

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R3-2-101 New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 3-1203
Implementing statute: A.R.S. § 3-1203
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007
Telephone Number: (602) 542-0962
Fax Number: (602) 542-5420
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
R3-2-101, Definitions. Many of the definitions listed in rules throughout Chapter 2 were already defined in statute or incorporated by reference material. This new Section was added to include previously undefined terms inclusive to the entire Chapter.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
N/A
6. **The preliminary summary of the economic, small business, and consumer impact:**
 - A. *The Arizona Department of Agriculture.*
There are no identifiable costs to the Department for this Article. The proposed rule simply assists the Department and regulated public in defining specific terms.
 - B. *Political Subdivision.*
Political subdivisions of this state are not directly affected by the implementation and enforcement of this proposed rulemaking.
 - C. *Businesses Directly Affected By the Rulemaking. (All persons dealing with the livestock, poultry, ratite, and aquaculture industries in Arizona)*
The proposed rule simply assists the Department and regulated public in defining specific terms.
 - D. *Private and public employment.*
Private and public employment are not directly affected by the implementation and enforcement of this proposed rulemaking.
 - E. *Consumers and the Public.*
There are no costs to the public associated with implementation of this rule.

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F. State Revenues.

This rulemaking will have no impact on state revenues.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Shirley Conard, Rules Specialist

Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007

Telephone Number: (602) 542-0962

Fax Number: (602) 542-5420

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceeding is scheduled, however, written comments on the proposed rules or preliminary economic, small business, and consumer impact statement will be accepted if received by 4:30 p.m., March 21, 1997.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS

Section

R3-2-101. Definitions

R3-2-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

1. "Animal" means livestock, bison, dogs, cats, rabbits, rodents, game animals, furbearing and wild mammals, and poultry and other birds.
2. "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
3. "USDA" means the United States Department of Agriculture.
4. "VS" means the Veterinary Services branch of APHIS.

Editor's Note: Pursuant to the agency's request, the former Article 1 has been recodified to Article 11. A notice of recodification will appear in a later issue of the Register.

NOTICE OF PROPOSED RULE MAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

PREAMBLE

1. Sections Affected

R4-6-101

R4-6-506

Rulemaking Action

Amend

New Section

2. The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statutes: A.R.S. §§ 32-3301; 32-3302; 32-3303; 32-3291; 32-3292; 32-3293; 32-3294; 32-3311; 32-3312; 32-3313; 32-3321 and 32-3322.

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3. The name and address of agency personnel with whom persons may communicate regarding this rule:

Name: Sonja Bolf, Administrative Assistant

Address: 1400 West Washington, Suite 350
Phoenix, AZ 85007

Telephone Number: (602) 542-1896

Fax Number: (602) 542-1830

4. An explanation of the rule, including the agency's reasons for initiating the rule:

The Board of Behavioral Health Examiners implemented new rules on November 15, 1996, which provide standards for certification of behavioral health professionals including Social Workers, Counselors, Marriage and Family Therapists, and Substance Abuse Counselors.

The rules, however, do not include a time frame during which Certified Associate Counselors who currently practice independently may come into compliance with the new rules. Without a time frame for compliance, all Certified Associate Counselors who practice independently must cease practicing independently or relinquish their certifications. To clarify that independent practice involves working without direct supervision, the definition of "independent practice" is amended.

5. A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

6. The summary of the economic, small business, and consumer impact:

The principal impact of this rule will be on members of the Counseling profession, especially Certified Associate Counselors and small practices. Without this rule, some Certified Associate Counselors will be required to choose between giving up their independent practices or surrendering their certificates. While certification is voluntary, because some third-party payers require certification for reimbursement, Certified Associate Counselors who continue to practice independently after surrendering their certificates will be harmed economically. Consumer impact is an even more compelling reason to implement this rule change. If Certified Associate Counselors are required to surrender their certifications, their clients may be left without appropriate therapeutic intervention. This could be a threat to the public because the Certified Associate Counselors will need to refer their clients to another behavioral health professional and adequate time for this transition is pre-empted by the new rule as written. A full-time behavioral health professional is considered to have a caseload of at least 25 clients per week. From the complaints received by the Board and those that have been heard before the Counseling Credentialing Committee, there are approximately 10 to 15 Certified Associate Counselors and 250 to 300 clients who are being effected by the lack of a rule providing a time frame for compliance. The livelihood of these Certified Associate Counselors and their practices are being negatively impacted. Some Certified Associate Counselors may have to close their practices.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the preliminary economic, small business and consumer impact statement.

Name: David Oake, Executive Director

Address: 1400 West Washington, Suite 350
Phoenix, AZ 85007

Telephone Number: (602) 542-1882

Fax Number: (602) 542-1830

8. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

A person may submit written comments on the proposed rules no later than 12 p.m., March 24, 1997, to:

Name: Sonja Bolf, Assistant to the Director

Address: 1400 West Washington, Suite 350
Phoenix, AZ 85007

Telephone Number: (602) 542-1896

Fax Number: (602) 542-1830

An oral proceeding on the proposed rules will be held on March 24, 1997, at 1400 W. Washington, Suite 320, Phoenix, AZ at 9 a.m. The rulemaking record will be closed at 12 p.m. on March 24, 1997.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

10. Incorporations by reference and their location in the rules:

None

11. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

ARTICLE 1. DEFINITIONS

Section
R4-6-101. Definitions

ARTICLE 5. COUNSELING

R4-6-506. Independent Practice Exemption for Certified Associate Counselor

ARTICLE 1. DEFINITIONS

R4-6-101. Definitions

In addition to the definitions set forth at A.R.S. § 32-3251, in this Chapter, unless the context otherwise requires:

"Administrative completeness review"	No change.
"Applicant"	No change.
"Application packet"	No change.
"A.A.S.S.W.B."	No change.
"C.A.C.R.E.P."	No change.
"C.O.R.E."	No change.
"Certified behavioral health professional"	No change.
"Clock hour"	No change.
"Continuing education"	No change.
"Council on Social Work Education" (CSWE)	No change.
"Cut score study"	No change.
"Date of service"	No change.
"Days"	No change.
"Direct supervision"	No change.
"Equivalent foreign degree"	No change.
"Equivalent part-time work experience"	No change.
"Four years of work experience"	No change.
"Full-time work experience"	No change.
"Gross negligence"	No change.
"Group supervision"	No change.
"Immediate family"	No change.

"Independent practice" means acting as a certified behavioral health professional without direct supervision and outside the

context of an employee-employer relationship usually on a fee for service basis.

"Inactive status"	No change.
"Individual supervision"	No change.
"Ineligible"	No change.
"Licensed behavioral health professional"	No change.
"One year of work experience"	No change.
"Practice of substance abuse counseling"	No change.
"Professional supervision"	No change.
"Quorum"	No change.
"Reciprocity"	No change.
"Regionally accredited college or university"	No change.
a. no change.	
b. no change.	
c. no change.	
d. no change.	
e. no change.	
f. no change.	
"Substance abuse or chemical dependency"	No change.
"Substantive review"	No change.
"Two years of work experience"	No change.
"Work experience"	No change.

ARTICLE 5. COUNSELING

R4-6-506. Independent Practice Exemption for Certified Associate Counselor

A behavioral health professional certified and practicing independently as a Certified Associate Counselor before November 15, 1996, may continue to practice independently until November 15, 1998. To maintain certification after November 15, 1998, a Certified Associate Counselor shall practice in compliance with R4-6-505(B). An individual initially certified as an Associate Counselor on or after November 15, 1996, shall immediately practice in compliance with R4-6-505(B). This Section is repealed on November 16, 1998.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

PREAMBLE

1. Sections Affected

Article 1
Article 1
R9-5-101
R9-5-101

Rulemaking Action

Repeal
New Article
Repeal
New Section

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Article 2	Repeal
Article 2	New Article
R9-5-201	Repeal
R9-5-201	New Section
R9-5-202	Repeal
R9-5-202	New Section
R9-5-203	Repeal
R9-5-203	New Section
R9-5-204	Repeal
R9-5-204	New Section
R9-5-205	Repeal
R9-5-205	New Section
R9-5-206	Repeal
R9-5-206	New Section
R9-5-207	Repeal
R9-5-207	New Section
R9-5-208	Repeal
R9-5-208	New Section
R9-5-209	Repeal
R9-5-209	New Section
R9-5-210	Repeal
R9-5-211	Repeal
Article 3	Repeal
Article 3	New Article
R9-5-301	Repeal
R9-5-301	New Section
R9-5-302	Repeal
R9-5-302	New Section
R9-5-303	Repeal
R9-5-303	New Section
R9-5-304	Repeal
R9-5-304	New Section
R9-5-305	Repeal
R9-5-305	New Section
R9-5-306	Repeal
R9-5-306	New Section
R9-5-307	Repeal
R9-5-307	New Section
R9-5-308	Repeal
R9-5-308	New Section
R9-5-309	New Section
Article 4	Repeal
Article 4	New Article
R9-5-401	Repeal
R9-5-401	New Section
R9-5-402	Repeal
R9-5-402	New Section
R9-5-403	Repeal
R9-5-403	New Section
R9-5-404	Repeal
R9-5-404	New Section
Article 5	Repeal
Article 5	New Article
R9-5-501	Repeal
R9-5-501	New Section
R9-5-502	Repeal
R9-5-502	New Section
R9-5-503	Repeal
R9-5-503	New Section
R9-5-504	Repeal
R9-5-504	New Section
R9-5-505	Repeal
R9-5-505	New Section
R9-5-506	Repeal
R9-5-506	New Section
R9-5-507	Repeal

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R9-5-507	New Section
R9-5-508	Repeal
R9-5-508	New Section
R9-5-509	Repeal
R9-5-509	New Section
R9-5-510	Repeal
R9-5-510	New Section
R9-5-511	Repeal
R9-5-511	New Section
R9-5-512	Repeal
R9-5-512	New Section
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R9-5-514	Repeal
R9-5-514	New Section
R9-5-515	Repeal
R9-5-515	New Section
R9-5-516	Repeal
R9-5-516	New Section
R9-5-517	Repeal
R9-5-517	New Section
R9-5-518	Repeal
R9-5-518	New Section
R9-5-519	Repeal
R9-5-520	Repeal
R9-5-521	Repeal
R9-5-522	Repeal
Article 6	Repeal
Article 6	New Article
R9-5-601	Repeal
R9-5-601	New Section
R9-5-602	Repeal
R9-5-602	New Section
R9-5-603	Repeal
R9-5-603	New Section
R9-5-604	Repeal
R9-5-604	New Section
R9-5-605	Repeal
R9-5-605	New Section
R9-5-606	Repeal
R9-5-606	New Section
R9-5-607	Repeal
R9-5-607	New Section
R9-5-608	Repeal
R9-5-609	Repeal
R9-5-610	Repeal
R9-5-611	Repeal
R9-5-612	Repeal
R9-5-613	Repeal
R9-5-614	Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-136(F), 36-883, and 36-883.04

Implementing statutes: A.R.S. §§ 36-881, 36-882, 36-883, 36-883.01, 36-883.02, 36-883.03, 36-883.04, 36-884, 36-885, 36-886, 36-886.01, 36-887, 36-888, 36-889, 36-890, 36-891, 36-891.01, and 36-892

3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lourdes Ochoa, Acting Program Manager

Address: Department of Health Services
Office of Child Care Licensure
1647 East Morten Avenue, Suite 230
Phoenix, Arizona 85020

Telephone: (602) 255-1272

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Telefax: (602) 255-1126
or
Name: Kathleen Phillips
Address: Department of Health Services
Assurance & Licensure Services
1647 East Morten Avenue, Suite 110
Phoenix, Arizona 85020
Telephone: (602) 255-1177
Telefax: (602) 255-1109

4. An explanation of the rule, including the agency's reasons for initiating the rule:

The Director of the Arizona Department of Health Services (ADHS) has prescribed rules pursuant to A.R.S. § 36-883, establishing minimum child care facility standards for facility licensure, facility administration, facility staff, facility program and equipment, and the physical plant of a facility. The current rules, adopted in 1986 with only minor revisions in 1988 and 1989, are inconsistent with current policy and practice. Senate Bill 1005, Laws 1994, Chapter 5, effective July 1, 1995, required the Director of ADHS, in consultation with the Department of Education and the Department of Economic Security, to prescribe rules governing the health, safety and well-being of children receiving child care in public schools that are comparable to rules established pursuant to A.R.S. § 36-883. Senate Bill 1005, Laws 1994, Chapter 5, also established the Child Care Standards Review Committee (CCSRC) to evaluate the laws governing child care, identify ways to lessen the regulatory burden, create a comparable regulatory system for public and private child care providers, and submit written recommendations for amending statutes and rules and adding new language.

The proposed rules are applicable to public and private child care facilities, incorporate CCSRC's recommendations, and are consistent with current ADHS policy and practice.

Section R9-5-101 sets forth definitions of words and terms used in the rules.

Section R9-5-201 proscribes requirements for applying for a facility license.

Section R9-5-202 proscribes procedures for processing a facility license application and establishes the time frames required by A.R.S. § 41-1072 *et seq.*

Section R9-5-203 proscribes requirements and procedures for fingerprinting and registering with the Department to work in a child care facility.

Section R9-5-204 delineates procedures for the denial or revocation of an individual's registration to work in a child care facility including time frames and procedures for requesting reconsideration of an individual's registration.

Section R9-5-205 sets forth specific classifications of child care services.

Section R9-5-206 proscribes requirements for a renewal license and the procedures for processing a renewal license application. This Section also establishes the time frames required by A.R.S. § 41-1072 *et seq.*

Section R9-5-207 proscribes requirements and procedures for requesting and processing changes to a child care facility license.

Section R9-5-208 sets forth criteria for determining when the Department will conduct an inspection or investigation at a child care facility.

Section R9-5-209 sets forth criteria for the denial, revocation, or suspension of a child care facility license.

Section R9-5-301 proscribes specific responsibilities of the child care facility licensee including: ensuring the facility's compliance with A.R.S. § 36-881 *et seq.* and the rules; designating a facility director or individual in charge; providing supervision and facility accessibility; excluding ill staff members; ensuring that staff members submit verification of freedom from pulmonary tuberculosis prior to employment; ensuring the presence of staff members trained in CPR and first aid; evaluating staff performance; establishing policies and procedures; following and documenting procedures for accidents, injuries, and emergencies; ensuring fire drills are conducted; and prohibiting alcohol, drugs, and firearms at the facility.

Section R9-5-302 proscribes information and dissemination requirements for a child care facility's written statement of child care services.

Section R9-5-303 proscribes requirements for posting each activity area's licensed capacity and documents including: the license; the name of the individual designated in charge; the schedule of child care services fees and refund policies; menus; notice of a communicable disease or infestation at the child care facility; legal notices of adverse licensure action; and the availability of facility inspection reports for public viewing.

Section R9-5-304 proscribes required procedures and criteria for enrolling a child in a child care facility. This Section also includes the requirements for information on and storage of the Emergency, Information, and Immunization Record cards.

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Section R9-5-305 proscribes immunization and immunization record keeping requirements for enrolled children and staff at a child care facility. This Section also includes exclusion requirements for children or staff who lack written evidence of immunity to a specific disease during an outbreak of the disease.

Section R9-5-306 sets forth criteria for admission and release of children from a child care facility, attendance record keeping and storage. This Section also includes requirements for child care facility activity area rosters.

Section R9-5-307 proscribes procedures for the reporting, documentation, and storage of documentation of suspected or alleged cases of child abuse or neglect.

Section R9-5-308 proscribes child care facility insurance and submission of verification of insurance requirements.

Section R9-5-309 proscribes requirements for sanitation, gas, and fire inspections. This Section also includes requirements for the storage of sanitation, gas, and fire inspection reports.

Section R9-5-401 proscribes child care personnel qualifications, including education and experience requirements, for facility directors, teacher-caregivers, assistant teacher-caregivers, student-aides, and volunteers.

Section R9-5-402 proscribes documentation and storage requirements for staff records and reports.

Section R9-5-403 proscribes staff training requirements including number of hours, topics, verification, and documentation. This Section also includes training requirements for first aid and CPR.

Section R9-5-404 proscribes requirements for ratios of staff to children at the child care facility, during transportation, on field trips, and during swimming activities. This Section also includes requirements for determining which individuals can be considered as staff in staff to children ratios, the grouping of children in care, and for sufficient staff to provide administrative, food, and maintenance services.

Section R9-5-501 proscribes standards for a child care facility's program including requirements that: the health, safety, and welfare of each child is protected; children are supervised at all times; drinking water is available; suspected or alleged child abuse or neglect is reported; children are clean; children are monitored for overexposure to the sun; parental permission is obtained prior to swimming activities; no tobacco is used at the facility; and lesson plans comprised of a variety of activities are planned, posted, and implemented. This Section also includes the following: building, premises, toys, materials and equipment standards; standards for using personal products for children; standards for children sleeping or napping at the facility; standards for bathing children who sleep at the facility; heating and cooling standards; lighting standards; toilet room standards, and storage standards.

Section R9-5-502 proscribes specific standards for providing child care for infants.

Section R9-5-503 proscribes requirements and procedures for diaper changing.

Section R9-5-504 proscribes specific standards for providing child care for 1-year-old and 2-year-old children.

Section R9-5-505 proscribes specific standards for providing child care for 3-year-old, 4-year-old, and 5-year-old children.

Section R9-5-506 proscribes specific standards for providing child care for school age children.

Section R9-5-507 proscribes specific standards for providing child care for children with special needs.

Section R9-5-508 proscribes general nutrition standards to ensure that each child's nutritional needs are being met and includes the Table of Meal Pattern Requirements for Children. This Section also includes requirements for food supplies, documentation of food purchase and service, and second servings.

Section R9-5-509 proscribes standards and requirements for food service and food handling in child care facilities.

Section R9-5-510 proscribes the requirements for discipline and guidance for children in child care facilities. This Section also sets forth types of discipline that is prohibited in child care facilities.

Section R9-5-511 proscribes the requirements for sleeping materials and equipment used by children in child care facilities.

Section R9-5-512 proscribes cleaning and sanitation requirements for child care facilities including: the cleanliness of the floor coverings, toilet rooms, and the facility; laundry requirements; toilet room requirements; hand washing requirements for staff and children; and waste storage and removal requirements.

Section R9-5-513 proscribes immunization, cleanliness, and control requirements for animals that are present in the child care facility.

Section R9-5-514 proscribes requirements for first aid kits, written accident and emergency plans, posted emergency evacuation plans and communication systems for child care facilities.

Section R9-5-515 proscribes required procedures and documentation when a child exhibits signs of illness or infestation and when a child or staff member at a child care facility contracts a communicable disease or infestation.

Section R9-5-516 proscribes requirements for the development of a written medication administration policy statement. This Section also includes requirements and procedures for the administration and storage of prescription or non-prescription medication at a child care facility.

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Section R9-5-517 proscribes requirements for vehicles used by a child care facility. This Section also includes requirements and procedures for drivers of vehicles used by child care facilities.

Section R9-5-518 proscribes requirements and procedures to be followed when children attending a child care facility participate in a field trip.

Section R9-5-601 proscribes requirements and standards for the physical plant of a child care facility.

Section R9-5-602 proscribes specific physical plant requirements for child care facilities including: infant room exits; number of toilets and hand washing sinks; procedure for approval of special needs diaper changing; and requirements for safety glass or barriers.

Section R9-5-603 proscribes square footage requirements for indoor and outdoor activity areas in child care facilities. This Section also includes the requirements and procedures for requesting an outdoor activity area exemption or substitution.

Section R9-5-604 proscribes standards for outdoor activity areas including accessibility, fencing, surface materials, and shade.

Section R9-5-605 proscribes standards and inspection report requirements for swimming pools used by children enrolled in a child care facility.

Section R9-5-606 proscribes requirements for fire extinguishers at a child care facility.

Section R9-5-607 proscribes requirements for the submission of physical plant documents specific to each type of child care facility prior to the licensure or modification of the child care facility.

5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

6. The preliminary summary of the economic, small business, and consumer impact:

A. Objective of the rulemaking

The Director of ADHS has prescribed these rules pursuant to A.R.S. §§ 36-883 and 36-883.04 establishing minimum child care facility standards for facility licensure, facility administration, facility staff, facility program and equipment, and the physical plant of a facility that protect the health, safety, and well-being of children receiving care in any private or public child care facility. The current rules which were adopted in 1986 with only minor revisions adopted in 1988 and 1989, are inconsistent with current policy and practice. Senate Bill 1005, Laws 1994, Chapter 5, effective July 1, 1995, required the Director of ADHS, in consultation with the Department of Education and the Department of Economic Security, to prescribe rules, governing the health, safety, and well-being of children receiving child care in public schools, comparable to rules established pursuant to A.R.S. § 36-884. Senate Bill 1005, Laws 1994, Chapter 5, also established the Child Care Standards Review Committee (CCSRC) to evaluate the laws governing child care, identify ways to lessen the regulatory burden, create a comparable regulatory system for public and private child care providers, and submit written recommendations for amending statutes and rules and adding new language.

The proposed rules are applicable to public and private child care facilities, incorporate CCSRC's recommendations, and are consistent with current policy and practice.

B. Identification of those affected by the rulemaking

Costs associated with implementation of the proposed rules will be borne by the Department of Health Services and public and private child care facilities. It is also anticipated that any increase in costs for child care facilities will be borne by consumers of child care services. Increased costs for the Department of Health Services include mailing and service costs for timely notification of the Department decisions related to applications for licensure and registration. Increased costs for private and public child care facilities include increased training requirements for personnel, tuberculosis testing required once every 24 months, providing a wall enclosed room for infants, and additional staff for field trips.

Benefits associated with implementation of the proposed rules will accrue to the Department of Health Services, public and private child care facilities and consumers of child care services. Benefits include increased safety for approximately 138,000 children currently receiving child care services; increased regulatory clarity and consistency for ADHS, child care facilities, and consumers including established time frames for ADHS's application process; increased availability of qualified facility directors and CPR and first aid instructors; allowances for student aides (individuals, 15 years of age and under enrolled in an educational/vocational program) to be present and receive training in child care facilities; more flexibility in meeting outdoor/large motor space requirements; and less duplication of regulatory review of first aid trainers and physical plant documents.

C. Summary of economic, small business and consumer impact of the rulemaking

R9-5-201: The proposed rules may decrease costs for child care facilities by requiring an applicant for licensure to complete child care facility licensure training prior to the licensure of an applicant's facility.

R9-5-202: The proposed rules establish time frames for the licensure process and will increase costs for ADHS by requiring the use of certified mail, with return receipt requested, to provide notice of licensure decisions to an applicant who will benefit by being able to anticipate a response within an established time frame and plan accordingly.

R9-5-203: The proposed rules decrease costs for child care facilities by not requiring the submission of fingerprints for registered individuals when there is a change of ownership of a licensed child care facility.

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R9-5-204: The proposed rules increase costs for ADHS to process registration reconsiderations and notify individuals of registration reconsideration decisions using certified mail with return receipt requested.

R9-5-206: The proposed rules establish time frames for the renewal licensure process and will increase costs for ADHS by requiring the use of certified mail with return receipt requested to provide notice of renewal licensure decisions to an applicant.

R9-5-301: The proposed rules increase costs for private and public child care facilities by requiring that all individuals working in child care facilities are tested for pulmonary tuberculosis once every 24 months. Also, the requirement that an individual with CPR and first aid training be present on any field trip or when transporting enrolled children may increase training costs for a child care facility.

R9-5-304: The proposed rules increase costs for child care facilities by requiring that a child care facility retain files on facility premises for previously enrolled children for 1 year from the date of the child's disenrollment.

R9-5-305: The proposed rules requiring that child care facilities notify a parent if the parent's child has not received an age-appropriate immunization decreases costs for child care facilities currently required to notify in writing each parent of a child younger than 24 months quarterly of all immunizations which may be due in the upcoming quarter and each parent of a child 25 months or older annually of all immunizations which may be due during the coming year.

R9-5-306: The proposed rules decreases costs for child care facilities by requiring the retention of attendance records for 12 months rather than 2 years as required in the current rules. This may offset an increase in costs for licensees operating multiple facilities who may no longer store attendance records in a central location in the same town or city as the child care facility. ADHS will experience decrease costs for attendance record inspections.

R9-5-401: The proposed rules lower the training requirement for a facility director from 90 hours to 60 hours and increase the number of credentials that qualify an individual as a facility director. This will decrease costs for providers of child care services by increasing the availability of qualified individuals. The proposed rules also allow providers of child care services to provide training in child care facilities for individuals less than 15 years of age.

R9-5-402: The proposed rules requiring that 10 of the 12 documents in personnel records are kept on facility premises, increase costs for licensees operating multiple child care facilities who currently store personnel records at a central location in the same town or city. ADHS will experience decreased costs for the inspection of personnel records not currently retained on facility premises.

R9-5-403: The proposed rules increase costs by requiring that new staff receive specific training within 10 calendar days of the starting date of employment or volunteer service. The proposed rules will also increase costs by not allowing a child care facility to count required training for a new staff member as part of the 12 hours of training required for every 12 months of a staff member's employment or volunteer service. This increase will be limited to the first year of a staff member's employment or volunteer service. The proposed rules will also decrease costs for child care facilities by increasing the number of individuals and organizations accepted as qualified trainers for CPR and first aid and for ADHS by not requiring the Department to review and approve first aid training.

R9-5-404: The proposed rules may increase costs for private and public child care facilities by requiring a teacher-caregiver and a second staff member to be present on a field trip when there are 6 or more children participating in the field trip.

R9-5-502: The proposed rules will increase costs for those child care facilities that do not currently provide infant child care services in a wall enclosed room with the required exits. To allow a child care facility to budget for the economic impact of this requirement, the proposed rules provide 24 months from the effective date of the rules for a child care facility to comply with the proposed rules.

R9-5-516: The proposed rules will decrease costs by decreasing the length of time child care facilities are required to have medication records available for ADHS review from 3 years to 1 year.

R9-5-603: The proposed rules may decrease costs for public and private child care facilities by allowing alternative ways for child care facilities to meet outdoor activity area requirements.

R9-5-607: The proposed rules may decrease costs for public and private child care facilities and the ADHS by accepting a local jurisdiction's written verification that a child care facility's physical plant meets applicable codes and standards rather than conducting a duplicate review of architectural drawings.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lourdes Ochoa, Acting Program Manager

Address: Department of Health Services
Office of Child Care Licensure
1647 E. Morten Avenue, Suite 230
Phoenix, Arizona 85020

Telephone: (602) 255-1272

Telefax: (602) 255-1126

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or

Name: Michael A. Carroll
Address: Department of Health Services
1740 West Adams, Room 410
Phoenix, Arizona 85007
Telephone: (602) 255-1266
Telefax: (602) 257-9380

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Oral proceedings will be conducted by the Department at 3 locations in the state for the purpose of taking oral and written testimony on the proposed child care rules from members of the public. The public may appear and give testimony on the proposed rules at public meetings at the following time and places:

Date: March 24, 1997

Time: 10 a.m.

Location: Grand Canyon Room
Capitol Tower Basement
1700 W. Washington Street
Phoenix, AZ 85007

Date: March 25, 1997

Time: 10 a.m.

Location: State Office Building Room #222
400 W. Congress Street
Tucson, AZ 85701

Date: March 27, 1997

Time: 1:30 p.m.

Location: Flagstaff City Council Chambers
211 W. Aspen Street
Flagstaff, AZ 86004

The public record on the proposed rulemaking will close at 5 p.m. on March 28, 1997.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

None

11. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES

CHILD CARE FACILITIES

ARTICLE 1. ~~DEFINITIONS~~ DEFINITIONS

Section

R9-5-101. ~~Definitions~~ Definitions

**ARTICLE 2. ~~CENTER LICENSURE FACILITY~~
LICENSURE**

Section

R9-5-201. ~~Classification of child day care center services~~
Application for a License
R9-5-202. ~~License application~~ Initial License Application Time
Frames

R9-5-203. ~~License exemption~~ Registration and Fingerprinting
Requirements
R9-5-204. ~~Issuance of license~~ Revocation, Denial, or
Reconsideration of Registration
R9-5-205. ~~Center orientation~~ Child Care Services
Classifications
R9-5-206. ~~Changes in license status~~ License Renewal
R9-5-207. ~~Provisional license~~ Changes Affecting License
R9-5-208. ~~Denial, revocation or suspension of license~~ Inspec-
tions; Investigations
R9-5-209. ~~Renewal of license~~ Denial, Revocation, or Suspen-
sion of License
R9-5-210. Registration of child day care center personnel
R9-5-211. Assessment of civil penalty

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**ARTICLE 3. CENTER ADMINISTRATION FACILITY
ADMINISTRATION**

Section	
R9-5-301.	Center responsibility General Licensee Responsibilities
R9-5-302.	Insurance Statement of Child Care Services
R9-5-303.	Fire, safety and sanitation reports Posting of Notices
R9-5-304.	Personnel records and reports Enrollment of Children
R9-5-305.	Records and reports pertaining to children Child Immunization Requirements
R9-5-306.	Attendance records Admission and Release of Children; Attendance Records
R9-5-307.	Records and reports of suspected child abuse Suspected or Alleged Child Abuse or Neglect
R9-5-308.	Enrollment, admission and release of children Insurance Requirements
R9-5-309.	Sanitation, Gas, and Fire Inspections

ARTICLE 4. CENTER PERSONNEL FACILITY STAFF

Section	
R9-5-401.	General personnel standards Staff Qualifications
R9-5-402.	Personnel qualifications Staff Records and Reports
R9-5-403.	Personnel responsibilities and duties Training Requirements
R9-5-404.	Center staffing Staff-to-children Ratios

**ARTICLE 5. CENTER PROGRAM AND EQUIPMENT
FACILITY PROGRAM AND EQUIPMENT**

Section	
R9-5-501.	General program standards General Child Care Program and Equipment Standards
R9-5-502.	Supplemental program standards for infants Supplemental Standards for Infants
R9-5-503.	Supplemental program standards for one- and two-year-old children Standards for Diaper Changing
R9-5-504.	Supplemental program standards for school-age children Supplemental Standards for 1-year-old and 2-year-old Children
R9-5-505.	Field trips Supplemental Standards for 3-year-old, 4-year-old, and 5-year-old Children
R9-5-506.	General equipment standards Supplemental Standards for School-age Children
R9-5-507.	Supplemental equipment standards for infants Supplemental Standards for Children with Special Needs
R9-5-508.	Supplemental equipment standards for one- and two-year-old children General Nutrition Standards
Table A.	Meal Pattern Requirements for Children
R9-5-509.	Supplemental equipment standards for three-, four- and five-year-old children General Food Service and Food Handling Standards
R9-5-510.	Supplemental equipment standards for school-age children Discipline and Guidance
R9-5-511.	General nutrition standards Sleeping Materials and Equipment
R9-5-512.	General food service and food handling standards Cleaning and Sanitation
R9-5-513.	Supplemental food service and food handling standards for infants Pets and Animals
R9-5-514.	Supplemental food service and food handling standards for one- and two-year-old children Accident and Emergency Procedures

R9-5-515.	Supplemental care standards for special children Illness and Infestation
R9-5-516.	Supplemental evening and nighttime care standards Medications
R9-5-517.	Pets Transportation
R9-5-518.	Discipline and guidance Field Trips
R9-5-519.	Illness and infestation care
R9-5-520.	Emergency medical care
R9-5-521.	Medications
R9-5-522.	Transportation

**ARTICLE 6. CENTER ACTIVITY AREAS AND PHYSICAL
PLANT STANDARDS PHYSICAL PLANT OF A FACILITY**

Section	
R9-5-601.	Outside play areas General Physical Plant Standards
R9-5-602.	Swimming pools Supplemental Physical Plant Standards
R9-5-603.	General standards for indoor activity areas Facility Square Footage Requirements
R9-5-604.	Supplemental indoor activity area standards for infants Outdoor Activity Areas
R9-5-605.	Diaper changing area standards Swimming Pools
R9-5-606.	Sleeping rooms Fire and Safety
R9-5-607.	Food preparation areas Required Physical Plant Documents
R9-5-608.	Laundry facilities
R9-5-609.	Storage areas
R9-5-610.	Cleaning and sanitation
R9-5-611.	Fire and safety
R9-5-612.	Physical plant standards for new centers and new construction
R9-5-613.	Physical plant standards for existing centers
R9-5-614.	General physical plant standards

ARTICLE 1. DEFINITIONS DEFINITIONS

R9-5-101. Definitions Definitions

In this Chapter, unless the context otherwise requires:

1. "Abuse" means inflicting physical or mental pain or injury, causing deterioration of another person, or failing to maintain reasonable care and treatment of any dependent person to such an extent that the person's health or emotional well-being is endangered.
2. "Accompanied by a parent, guardian or custodian" means the parent, guardian or custodian must be physically available to supervise and care for the child in the event of an emergency.
3. "Activity area" means the space in, or rooms of, the day care group home used for child care activities.
4. "Annex" means any supplementary structure on contiguous grounds, under the same ownership and intended to be used in conjunction with an existing child care facility.
5. "Applicant" means any individual, partnership or corporation who applies to the Department to operate a day care group home.
6. "Assistant" means any person who aids the provider in the care and supervision of children.
7. "Assistant teacher-caregiver" means a person who assists the teacher-caregiver in planning, developing and conducting the activities of a child or group of children and who may receive on-the-job training and supervision to become a teacher-caregiver.
8. "Center director" means the licensee, or a person designated in writing by the licensee, who is responsible for

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- the daily on-premise supervision, operation and maintenance of the center.
9. "Certificate" means the written authorization issued by the Department to operate a day care group home.
10. "Certified capacity" means the maximum number of children as designated on the certificate that the day care group home may care for at any one time.
11. "Child care facility" or "facility" means a child day care center or a day care group home.
12. "Child Development Associate credential (C.D.A.*)" means a credential awarded by the Child Development Associate National Credentialing Program to individuals successfully completing an assessment of their ability to work effectively with children.
13. "Compensation" means any payment of money or other valuable consideration, including goods, services, time or employee/customer benefit, for child day care by any person, business entity or governmental agency.
14. "Corporal punishment" means shaking, spanking, punching, hitting, hitting with instruments, pinching, biting, pushing, slapping, twisting, jerking, kicking, pulling hair, strangling a child or other acts which causes bodily pain and may result in bruises, welts, abrasions, contusions, lacerations, burns, fractures, wounds, cuts, punctures, subdural hemorrhage or hematomas, internal injuries, sprains, dislocation, or other forms of physical damage.
15. "Day Care Act" means the Child Day Care Programs Act, A.R.S. § 36-881, et seq.
16. "Early childhood education degree" means a bachelor or associate degree from an accredited college with a major in child development in kindergarten, primary, preschool or elementary education.
17. "Field trip" means a planned excursion or program activity with a specific destination away from the facility.
18. "Hazard" means any condition that subjects children to physical danger or risk.
19. "Home Economics Related Occupations (H.E.R.O.) program" means a home economics child care related vocational cooperative education program approved by the Arizona Department of Education.
20. "Household member" means a person who does not provide child care but who is present in a day care group home for 30 consecutive days or longer, is listed as a member of the household on official documents, or who resides at the location of the day care group home.
21. "Immediate inspection" means available for review within two hours or less.
22. "Infant" means any child who is 12 months of age or younger, or who is under 18 months of age and not yet walking.
23. "Licensed capacity" means the maximum number of children, as designated on the license, that the facility may care for at any one time.
24. "Licensee" means the person, partnership, corporation or agency licensed by the Department to provide child day care services and having responsibility for the operation and maintenance of the child care facility in accordance with these rules.
25. "Medication" means all prescription and over-the-counter drugs and medicines.
26. "Menu" means a written description of foods to be served at each meal and all snacks prepared at the facility or catered, but excluding individual sack lunches brought from home.
27. "Mobile home" means a manufactured structure designed without a permanent foundation which was manufactured prior to 1976.
28. "Multiple use building" means a structure being used as a child care facility in addition to other activities.
29. "Nap time" means a designated time during a full child care program when provisions are made for children to rest or sleep.
30. "Night home care" means child care provided between 7:00 p.m. and 6:00 a.m. at a day care group home.
31. "Personnel" means all staff, including full or part-time employees, and volunteers, who perform services for the child care facility and have direct or indirect contact with children at that facility.
32. "Provider" means an individual who is the certificate holder or an individual designated in writing by the certificate holder or an individual designated in writing by the certificate holder, who is responsible for the daily, on-premises supervision, operation and maintenance of the day care group home.
33. "Qualifying experience" means verifiable experience working directly with a group of children during a specified time period in any licensed child care facility, elementary education program, or in fields of nursing, social work, psychology or other fields related to child growth or development.
34. "Residential facility" means a home in which an individual lives that is designed on a permanent foundation and is not a mobile home manufactured prior to 1976.
35. "Sanitary" means having been treated by a process that provides the appropriate accumulation of heat or concentration of chemicals for the time required to reduce the bacterial count, including pathogens, to a safe level.
36. "School age children" means children who are at least five years old by January 1 of the current school year and who attend public school or the equivalent.
37. "Special needs children" means children enrolled in the child care facility who, due to any physical, mental, sensory or emotional delay, disability or limiting condition, need increased supervision, modified equipment or modifications to the physical plant.
38. "Staff members" mean the provider or paid personnel who perform services for the child care facility and who have direct or indirect contact with the children.
39. "Supervision" means direct and immediate observation and direction of personnel, a group of children, an activity or function.
40. "Teacher-caregiver" means the person responsible for planning, developing and conducting the activities of a child or group of children and who may supervise assistant teacher-caregivers.
41. "Volunteer" means an individual who supplements the services of paid staff by providing child care services under staff supervision in a child care facility without compensation.

The following definitions apply in this Chapter unless the context otherwise requires:

1. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement, or the infliction of or allowing another individual to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist as prescribed by A.R.S. § 8-223 and which is caused by the acts or omissions of an individual having care, custody, and control of a child.

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- Abuse includes the offenses stated in A.R.S. § 8-546 (A)(2).
2. "Accident" means an unexpected, life threatening or non-life threatening occurrence that may or may not be an emergency, causes physical injury to a child, and requires attention by a staff member.
 3. "Accredited" means approved by:
 - a. The New England Association of Schools and Colleges,
 - b. Middle States Association of Colleges and Secondary Schools,
 - c. North Central Association of Colleges and Schools,
 - d. Northwest Association of Schools and Colleges,
 - e. Southern Association of Colleges and Schools, or
 - f. Western Association of Schools and Colleges.
 4. "Activity" means an action planned by a licensee and performed by a child while supervised by a staff member.
 5. "Activity area" means a specific indoor or outdoor space or room of a licensed facility that is designated by a licensee for use by enrolled children for activities.
 6. "Adaptive device" means equipment used to augment an individual's use of arms, legs, sight, hearing, or other physical part or function.
 7. "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
 8. "Applicant" means:
 - a. The following persons requesting an initial or renewal license:
 - i. If an individual, the individual owning the facility;
 - ii. If a corporation, any 2 officers of the corporation;
 - iii. If an association or cooperative, any 2 members of the governing board of the association or cooperative;
 - iv. If a limited liability company, the designated manager, or if no manager is designated, any 2 members of the limited liability company;
 - v. If a partnership, any 2 of the partners;
 - vi. If a joint venture, any 2 individuals signing the joint venture agreement;
 - vii. If a public school, any individual designated in writing as signatory for the facility by the school governing board or school district superintendent;
 - viii. If a charter school, the person approved to operate a charter school in Arizona by the Arizona Board of Education, Arizona Board of Charter Schools, or a school governing board; or
 - ix. If a governmental agency, the director of the governmental agency or the individual designated in writing by the director;
 - b. An individual submitting fingerprints to the Department for registration; or
 - c. A licensee submitting a request for a modification to the physical plant of a licensed facility.
 9. "Assistant teacher-caregiver" means a staff member who, for compensation, aids a teacher-caregiver in planning, developing, or conducting child care activities.
 10. "Association or cooperative" means a group of individuals other than a corporation, limited liability company, partnership, joint venture, or public school who have established a governing board and bylaws to operate a facility.
 11. "Calendar week" means a 7-day period beginning Sunday and ending on Saturday.
 12. "C.C.P." means Certified Childcare Professional, a credential awarded by the National Child Care Association to individuals successfully completing a test of ability to work effectively with children.
 13. "C.D.A." means Child Development Associate, a credential awarded by the Child Development Associate National Credentialing Program to individuals successfully completing a test of ability to work effectively with children.
 14. "Change in ownership" means a transfer of controlling legal and equitable interest and authority in a facility resulting from a sale or merger of a facility.
 15. "Child" has the same meaning as in A.R.S. § 36-881(1).
 16. "Child care" has the same meaning as in A.R.S. § 36-881(2).
 17. "Child care experience" means written documentation of work with children in:
 - a. A child care facility or group home that is licensed, certified or approved by a state in the United States;
 - b. A public or private school, or an accommodation school as defined in A.R.S. § 15-101(1); or
 - c. The professional fields of nursing, social work, psychology, child development, or closely related field.
 18. "Child care services" means the range of activities and programs provided by a licensee to a child, including personal care, supervision, education, guidance, and transportation.
 19. "Child Protective Services" means the Child Protective Services Program, Department of Economic Security.
 20. "Child with special needs" means a child with:
 - a. A physician's diagnosis and record of a physical or mental condition that substantially limits the child in providing self-care or performing age-appropriate manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning, or a child who is regarded by a parent as having such a condition whether the child has the condition or not;
 - b. A developmental disability as defined in A.R.S. § 36-551(15); or
 - c. At least 1 of the developmental disabilities listed in A.R.S. § 15-761 and who requires special education as defined in A.R.S. § 15-761.
 21. "Clean" means to remove dirt or debris by such methods as washing with soap and water, vacuuming, wiping, dusting, or sweeping.
 22. "Closely related field" means any educational instruction or occupational experience pertaining to the growth, development, physical or mental care, or education of children.
 23. "Communicable disease" has the same meaning as in A.A.C. R9-6-101(5).
 24. "Compensation" means money or other consideration, including goods, services, vouchers, time, or other benefit, that is received by a licensee from any individual as payment for child care services or that is paid to a staff member by a licensee.
 25. "Corporal punishment" means any physical action that inflicts pain to the body of a child, including but not limited to: shaking, spanking, punching, hitting, pinching, biting, pushing, slapping, twisting, jerking, kicking, pulling hair or strangling a child; or any act which may result in an abrasion, bruise, welt, contusion, laceration, burn.

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- wound, cut, puncture, internal injury, fracture, sprain or dislocation, or a subdural hemorrhage or hematoma.
26. "C.P.C." means Certified Professional in Childcare, a credential awarded by the National Early Care and Education Association to individuals successfully completing a test of ability to work effectively with children.
27. "CPR" means cardiopulmonary resuscitation.
28. "Credit hour" means an earned academic unit of study based on attending a 1-hour class session per calendar week at an accredited college or university.
29. "Developmentally appropriate" means consistent with a child's physical, emotional, social, cultural, and cognitive development, based on the child's age and family background and the individual child's pattern and timing of growth, personality, and learning style.
30. "Discipline" means to provide correction of a child's behavior that does not meet generally accepted levels of social behavior.
31. "Emergency" means a potentially life-threatening occurrence involving a child or staff member that requires an immediate response or medical treatment.
32. "Endanger" means to expose a child to a situation where physical or mental injury to the child may occur.
33. "Enrolled" means a child has been placed by a parent and accepted by a licensee for child care services.
34. "Facility" means child care facility as defined in A.R.S. § 36-881(3).
35. "Facility director" means an individual meeting the qualifications in R9-5-401(1) who is designated by a licensee as the individual responsible for the daily on-site operation of a facility.
36. "Facility premises" means property that is:
a. Designated on an application by the applicant, and
b. Approved by the Department as prescribed by A.R.S. § 36-881 *et seq.* and these rules.
37. "Field trip" means an activity planned by child care personnel for preschool children off facility premises, or for school-age children off facility premises or school campus.
38. "Final construction drawings" means facility plans approved by local government for the construction or modification of a facility that include the architectural, structural, mechanical, electrical, fire protection, plumbing, and technical specifications of the physical plant and the facility premises.
39. "Food preparation" or "preparing food" means handling, washing, cutting, mixing, spreading, combining ingredients, and cooking foods using a utensil as defined in A.A.C. R9-8-112(35) but does not include:
a. Using single-service articles as defined in A.A.C. R9-8-112(30),
b. Handling or distributing whole fruits or vegetables,
c. Distributing prepackaged foods, or
d. Combining whole uncooked foods.
40. "G.E.D." means a General Educational Development diploma issued either by the Department of Education as prescribed by A.R.S. § 15-702 or by another state.
41. "Guidance" means the ongoing direction, counseling, teaching, or modeling of accepted social behavior through which a child learns to develop and maintain the self-control, self reliance, and self esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
42. "Hazard" means a source of endangerment.
43. "Health care provider" means a state board licensed, registered or certified physician, physician's assistant, nurse, nurse practitioner, psychologist, or occupational, physical or respiratory therapist.
44. "Hours of operation" means the specific time during a calendar day for which a licensee is licensed to provide child care services.
45. "Illness" means physical manifestation or signs of any sickness or communicable disease such as pain, vomiting, rash, fever, discharge, or diarrhea.
46. "Infant" means a child 12 months of age or younger or a child 18 months of age or younger who is not yet walking.
47. "Infestation" means the presence of lice, pinworms, scabies, or other parasites.
48. "Inspection" means on-site examination of a facility by the Department to determine compliance with A.R.S. §§ 36-881 *et seq.* and these rules, an on-site review of facility records or reports by the Department or on-site examination of a facility by local jurisdictions.
49. "Lesson plan" means a written description of the activities scheduled in each activity area for a calendar day.
50. "License" means the written authorization issued by the Department to operate a facility in Arizona.
51. "Licensed capacity" means the maximum number of children for whom a licensee is licensed by the Department to provide child care services.
52. "Licensee" means a person as defined by A.R.S. § 36-881 (6) to whom the Department issues a license to operate a facility in Arizona.
53. "Local" means under the jurisdiction of a city or county in Arizona.
54. "Mat" means a foam pad that has a waterproof cover and is of sufficient size and thickness to accommodate the height, width, and weight of a reclining child's body.
55. "Medication" means a substance prescribed by a physician or available over-the-counter for the treatment of illness.
56. "Menu" means a written description of food provided by a facility and served as a meal or snack.
57. "Modification" means an alteration or addition to the physical plant of a licensed facility that requires a permit issued by local government.
58. "Motor vehicle" has the same meaning as defined in A.R.S. § 28-101 (32).
59. "Naptime" means any time during hours of operation, other than evening and nighttime hours specified in R9-5-205, that is designated by a licensee for the rest or sleep of children.
60. "Neglect" has the same meaning as in A.R.S. § 8-546(A)(7).
61. "One-year-old" means a child 12 months of age or older who is not yet 2 years of age.
62. "Parent" means a natural, adoptive, or custodial mother or father of a child, or an individual who has been appointed as a legal guardian or custodian of a child by a court of competent jurisdiction.
63. "Perishable food" means food which becomes unfit for human consumption if not stored to prevent spoilage.
64. "Physical plant" means a building that houses a facility, or licensed areas within a building, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
65. "Physician" means a doctor currently licensed to practice allopathic or osteopathic medicine in any state of the United States.
66. "Private pool" has the same meaning as in A.A.C. R9-8-811(I).

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67. "Private school" has the same meaning as in A.R.S. § 15-101(16).
68. "Program" means a variety of activities organized and conducted by a staff member.
69. "Public pool" has the same meaning as in A.A.C. R9-8-811(K).
70. "Public school" means school as defined in A.R.S. § 15-101(3) and (17).
71. "Registration" means approval by the Department to operate or work in a child care facility after an applicant's completion of the fingerprinting process required by the Department.
72. "Regular basis" means child care services are offered at a facility at recurring, fixed, or uniform intervals.
73. "Sanitize" means to use heat, chemical agents, or germicidal solutions to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
74. "School-age child" means a child who is 5 years of age or older by September 1 of a school year and attends a public or private school.
75. "School campus" means the contiguous grounds of a public or private school including the buildings, structures and outdoor areas available for use by children attending the school.
76. "School governing board" means governing board as defined in A.R.S. § 15-101(8).
77. "Semi-public pool" has the same meaning as in A.A.C. R9-8-811(N).
78. "Service classification" means one of the classifications specified in R9-5-205.
79. "Signed" means having affixed an individual's name, or a symbol of the name if the individual is unable to write, consistent with customary usage on an official document.
80. "Space utilization" means the designated use of an area within a facility for specific child care services or activities.
81. "Staff", or "staff member", or "child care personnel" means *any employee or volunteer working at a child care facility*.
82. "STRIVE" means Students Together Rising in Vocational Education, a vocational organization approved by the Department of Education under A.R.S. § 15-781.01 for individuals enrolled in family and consumer sciences at a public school.
83. "Student-aide" means an individual 15 years of age or younger enrolled in an educational, curriculum-based course of study who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision by child care personnel in the provision of child care services.
84. "Substantive review" means the Department's process for determining whether an applicant for a license and an applicant's facility meet the requirements of A.R.S. §§ 36-881 *et seq.* and these rules, including an evaluation of the completed documents submitted as prescribed by R9-5-201 and R9-5-203(A) and inspection of the facility.
85. "Supervision" means:
 - a. The physical presence of a facility director or staff member who has responsibility for and is within sight and sound of an enrolled child, or
 - b. The physical presence of a facility director or teacher-caregiver who is providing direction to a staff member or student-aide.
86. "Swimming pool" has the same meaning as in A.A.C. R9-8-811(P).

87. "Teacher-caregiver" means a staff member responsible for developing, planning, and conducting child care activities.
88. "Training" means child care related orientation, workshops, classes, courses, or instruction required by the Department of a licensee or child care personnel.
89. "Volunteer" means a staff member who works in a facility without compensation by the facility.

**ARTICLE 2. CENTER LICENSURE FACILITY
LICENSURE**

**R9-5-201. ~~Classification of child day care center services~~
~~Application for a License~~**

~~A child day care center shall be licensed to provide one or more of the following classifications of service:~~

- ~~1. Full day care: care provided to children for more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.~~
- ~~2. Part time care: care provided to children for no more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.~~
- ~~3. Evening care: care provided to children between the hours of 6:30 p.m. and 12:00 midnight.~~
- ~~4. Nighttime care: care provided to children between the hours of 12:00 midnight and 6:00 a.m.~~
- ~~5. Infant care: care provided to infants as defined in these rules.~~
- ~~6. One year old child care: care provided to one year old children as defined in these rules.~~
- ~~7. School age child care: care provided to school age children during periods of a day when public, private or parochial schools are not in session.~~
- ~~8. Special children care: care provided to special children as defined in these rules.~~

A. An applicant for a license shall:

- ~~1. Be 21 years of age or older;~~
- ~~2. Submit the following completed documents to the Department:~~
 - ~~a. A notarized application signed by the applicant stating:~~
 - ~~i. The applicant's name;~~
 - ~~ii. The facility's name, street address, mailing address, and telephone number; and~~
 - ~~iii. The name and type of organization applying for a license;~~
 - ~~b. Organization information including:~~
 - ~~i. Address of organization;~~
 - ~~ii. Name, title, and address of the organization's statutory agent or individual designated by the organization to accept service of process and subpoenas;~~
 - ~~iii. Name and title of each officer and board member, if applicable; and~~
 - ~~iv. Copies of Articles of Incorporation, partnership or joint venture documents, or limited liability documents, if applicable;~~
 - ~~c. Registration documents as prescribed in R9-5-203;~~
 - ~~d. The physical plant documents required by R9-5-607 that include the service classifications being requested by the applicant;~~
 - ~~e. An agricultural attachment that contains the information required by A.R.S. § 36-882 (B); and~~
 - ~~f. The fee required by A.R.S. § 36-882 (F);~~
- ~~3. Before the issuance of a license, submit written documentation verifying that the applicant or a registered individ-~~

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ual designated by the applicant has completed not less than 4 actual hours of Department-provided training that includes the Department's role in licensing and regulating child care facilities as prescribed by A.R.S. §§ 36-881 *et seq.* and these rules; and

4. Demonstrate compliance with A.R.S. §§ 36-881 *et seq.* and these rules through a facility inspection by the Department.

B. A person shall apply for a license as prescribed by this Section for:

1. Each facility operated by the same person at different locations, and
2. Each facility operated by different persons at the same location.

C. The Department does not require an application for a supplementary structure on grounds contiguous to a facility, under the same ownership, and intended to be used in conjunction with a facility.

R9-5-202. License application- Initial License Application Time Frames

A. A license application shall be submitted on forms provided by the Department, and shall be fully completed, signed and notarized.

B. The applicant, or the representative authorized by the applicant to apply for licensure, shall be at least 18 years of age.

C. A separate license application is required for each location when more than one center is owned by the same person, and for each center operated at a single location by different persons.

D. A separate license application is not required for annexes on the same grounds used by the center.

A. For an initial license, the overall time frame described in A.R.S. § 41-1072 (2) is 90 calendar days.

B. For an initial license, the administrative completeness review time frame described in A.R.S. § 41-1072 (1) is 30 calendar days and begins on the date the Department receives all documents required by R9-5-201(A)(2) and R9-5-203 (A).

1. If the submitted documents are deficient, the Department shall send to the applicant, by certified mail with return receipt, the submitted documents and a deficiency notice.

a. The notice shall state each deficiency and the information needed to complete the documents.

b. Within 90 calendar days from the receipt of a deficiency notice, an applicant shall submit to the Department the missing information specified in the notice. The 30 day time frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the information.

2. If the submitted documents are complete, the Department shall send a written notice of administrative completeness to the applicant.

C. For an initial license, the substantive review time frame described in A.R.S. § 41-1072(3) is 60 calendar days and begins on the date the Department sends written notice of administrative completeness to the applicant.

1. As part of the substantive review, the Department may schedule an inspection which may require more than 1 visit to the facility.

2. If an applicant or facility does not meet the requirements of A.R.S. §§ 36-881 *et seq.* and these rules, the Department shall provide to the applicant a written notice of nonconformance that states each statute and rule upon which nonconformance is based.

a. Within 120 calendar days from the date of receipt of a written notice of non conformance the applicant shall submit, to the Department, written documentation of the corrections required in the notice of nonconformance. The 60 day time frame for the Department to finish the substantive review is suspended from the date the Department provides the written notice of nonconformance to the applicant until the Department receives documentation of corrections.

b. The Department shall issue a written notice of denial of license as prescribed in A.R.S. §§ 36-888 and 41-1076, if:

i. The applicant does not submit documentation of corrections within the time frame in subsection (C)(2)(a); or

ii. Upon receipt of documentation of corrections from the applicant, the Department determines that the applicant or facility do not meet the requirements of A.R.S. §§ 36-881 *et seq.* and these rules.

3. If the applicant and facility meet the requirements of A.R.S. §§ 36-881 *et seq.* and these rules, the Department shall issue a license to the applicant.

R9-5-203. License exemption Registration and Fingerprinting Requirements

To be exempted from Department licensure as a child day care center, a kindergarten shall not enroll children younger than "school-age children" as defined in R9-5-101, during the current school year.

A. An applicant for a license shall register with the Department by submitting:

1. Unless exempted by A.R.S. § 36-883.02, a completed and legible fingerprint card;

2. A completed registration to work form, signed by the applicant and notarized, containing:

a. Applicant's name, birth date, social security number, home address, telephone number, and job title;

b. If previously registered with the Department, date of previous registration and name used for registration;

c. Facility name, address, telephone number;

d. Identification of whether the applicant is awaiting trial on, has been convicted of, or has admitted in open court or as prescribed by a plea agreement committing any criminal offense described in A.R.S. § 36-883.02(G);

e. Certification that the applicant is not a parent of a child who has been adjudicated dependent as prescribed by A.R.S. § 8-201(11); and

f. Certification that the applicant has not had a license to operate a facility denied or revoked in any state; and

3. A registration recap form containing:

a. Name, address, and telephone number of facility;

b. Name of facility director; and

c. Name of each staff member to be registered.

B. Within 20 calendar days from the date of employment of each staff member, a licensee shall submit the registration documents in subsection (A) for each staff member who is 18 years of age or older.

C. Within 30 calendar days of receipt of the registration documents required in subsections (A) and (B), the Department shall return a copy of the registration recap form to the applicant for licensure or licensee that contains verification that the Department received the registration documents. The licensee

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and each staff member listed on the verified registration recap form are registered with the Department to work in the child care facility listed on the registration recap form until the Department denies or revokes the registration.

- D. A licensee or staff member, registered as required by A.R.S. § 36-883.02, who has had an uninterrupted association with or continuous employment in a licensed facility that has a change in ownership, shall submit the documents in subsections (A)(2) and (A)(3) to the Department within 20 calendar days from the date of change in ownership.

R9-5-204. Issuance of license Denial, Revocation, or Reconsideration of Registration

- A. In addition to the requirements in A.R.S. § 36-882(F), the license shall specify:
1. The name of the child day care center; and
 2. The expiration date of the license.
- B. The license form shall include the address and telephone number of the Arizona Department of Health Services, Office of Child Day Care Licensure. The license shall be prominently posted in the center for viewing.
- A. The Department shall deny or revoke the registration of an individual:
1. Who provides false information to the Department with regard to registration;
 2. Who is awaiting trial on, has been convicted of, or has admitted in open court or as prescribed by a plea agreement, committing any criminal offense listed in A.R.S. § 36-883.02 (G) except as provided in A.R.S. § 36-883.02 (L); or
 3. Whose presence in a facility may have a detrimental effect on the health, safety, or welfare of children based on evidence obtained from:
 - a. A law enforcement agency;
 - b. Any criminal, civil, or official proceeding of record;
 - c. A written psychological evaluation or professional opinion of:
 - i. A physician licensed by a state board of medical examiners;
 - ii. A psychologist licensed by a state board of psychologist examiners;
 - iii. A behavioral health professional certified by the Arizona board of behavioral health examiners or the equivalent agency from another state; or
 - iv. A social worker, therapist, or counselor certified or licensed by a state board or by a professional accrediting organization or agency for these professions; or
 - d. Child Protective Services.
- B. If the Department denies or revokes an individual's registration, the Department shall send to the applicant and the licensee, by certified mail with return receipt, written notice of the registration denial or revocation. The notice shall state:
1. The reason for the denial or revocation,
 2. The individual's right to a hearing by the Department if requested in writing within 15 calendar days from the receipt of the Department's notice, and
 3. The date that the denial or revocation becomes effective if the individual fails to request a hearing in writing within 15 calendar days of the receipt of the Department's notice.
- C. In accordance with A.R.S. § 36-883.02 (L), an applicant is not a recidivist if the applicant meets the following requirements:
1. Five years or more have passed between the conviction of the offense and the date of the application, if the offense

is or was classified as a felony and the applicant is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony or misdemeanor; or

2. Two years or more have passed between the conviction of the offense and the date of the application, if the offense is or was classified as a misdemeanor and the applicant is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony or misdemeanor.
- D. If an applicant does not meet the requirements in subsection (C), the Department shall send to the applicant and the licensee, by certified mail with return receipt, written notice of the registration denial as prescribed in subsection (B).
- E. If an applicant meets the requirements of subsection (C), the Department shall send to the applicant, by certified mail with return receipt, a written notice of intent to deny the registration. The notice shall state:
1. The criminal offense that was disclosed by the fingerprint check; and
 2. The Department's process for reconsideration of the registration denial.
- F. An applicant who receives a notice of intent to deny a registration may submit a request for reconsideration to the Department. The request shall be received by the Department within 30 calendar days from date of receipt of the notice and contain the applicant's name, address, and telephone number and the information required in subsection (G);
- G. The Department shall determine that an applicant is rehabilitated and register the applicant if written documentation demonstrates that:
1. The criminal offense specified in the Department's written notice of intent has been pardoned or expunged at least 1 year preceding the date of application; or
 2. The applicant has:
 - a. Been employed for at least 6 uninterrupted months, with no more than 7 consecutive calendar days break, within 2 years preceding the date of application; or
 - b. Completed at least 2 consecutive semesters at a post secondary education institution within 2 years preceding the date of application; and
 3. At least 2 individuals other than family members or spouses who have known the applicant for at least 6 months from the date preceding the application submit written statements supporting the applicant's registration.
- H. Within 30 calendar days from the date of receipt of the written documentation required by subsection (F), the Department shall send a written notice of registration or registration denial. If the Department denies the registration, the Department shall, by certified mail with return receipt, issue a notice of denial containing the information in subsection (B).
- I. If an applicant does not request a reconsideration within 30 calendar days from the date of receipt of the notice of intent to deny, the Department shall, by certified mail with return receipt, issue a notice of denial containing the information in subsection (B).
- J. An individual who has been denied registration as prescribed in subsection (H) or (I) shall not submit an application for registration until 12 months has elapsed from the date of the notice of registration denial. The Department shall return an application for registration to an individual who has been denied registration as prescribed in subsection (H) or (I) if the application is submitted less than 12 months from the date of the notice of registration denial.

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R9-5-205. Center—orientation Child Care Services Classifications

The initial applicant shall complete the Department's orientation for new owners and directors of child day care centers within four months from the submission date of a licensure application.

- A. When conducting a substantive review, the Department shall determine whether the licensee meets the licensure requirements of A.R.S. §§ 36-881 *et seq.* and these rules to provide child care services on a regular basis in one or more of the following classifications.
1. Full-day care: Child care services provided for 6 or more hours per day between the hours of 5 a.m. and 8 p.m.
 2. Part-day care: Child care services provided for less than 6 hours per day between the hours of 5 a.m. and 8 p.m.
 3. Evening and nighttime care: Child care services provided between the hours of 8 p.m. and 5 a.m.
 4. Infant care: Child care services provided to an infant as defined in R9-5-101(46).
 5. One-year-old child care: Child care services provided to a 1-year-old child as defined in R9-5-101(61).
 6. School-age child care: Child care services provided to a school-age child as defined in R9-5-101(74).
- B. The Department shall designate, on a facility's license, the classifications of child care services the facility is licensed to provide.

R9-5-206. Changes in license status License Renewal

- A. The licensee shall notify the Department in writing at least 30 days prior to the effective date of any intended change in the center's name or in service classifications, hours of operation, space utilization or licensed capacity and, if in compliance with applicable statutes and these rules, the Department shall issue an amended license which indicates the change but maintains the same expiration date as the previous license.
1. The center shall not implement such change until the amended license is issued.
 2. Upon receiving the amended license the center shall surrender the previous license to the Department.
- B. The licensee shall notify the Department in writing at least 30 days prior to the effective date of any change of ownership or location of the center and, if in compliance with applicable statutes and these rules, the Department shall issue a new license.
- A. At least 45 calendar days before the expiration date of a current license, an applicant for renewal of a license shall submit to the Department:
1. A complete, signed, and notarized application that includes:
 - a. The applicant's name;
 - b. The facility's name, street address, mailing address, and telephone number; and
 - c. The name and type of organization applying for license renewal;
 2. Any changes to the organization information previously submitted as prescribed in R9-5-201(A)(2)(b); and
 3. The fee required by A.R.S. § 36-882 (F).
- B. For a renewal license, the overall time frame described in A.R.S. § 41-1072(2) is 45 calendar days.
- C. For a renewal license, the administrative completeness review time frame described in A.R.S. § 41-1072(1) is 15 calendar days and begins on the date the Department receives the renewal application.
1. If the submitted documents are deficient, the Department shall send to the applicant, by certified mail with return receipt, the submitted documents and a deficiency notice.
 - a. The notice shall:
 - i. State each deficiency and the information

- ii. needed to complete the documents; and
 - ii. Advise the applicant that an additional \$50 late filing fee is due if a complete renewal application is not received by the Department at least 45 calendar days before the expiration date of the current license.
 - b. The 15 day time frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the information.
 - c. If an applicant does not submit a complete renewal application before the expiration date of the current license, the license shall expire.
 2. If the submitted documents are complete:
 - a. The Department shall send a written notice of administrative completeness to the applicant; and
 - b. The current license shall not expire until the Department issues the renewal license or written notice of denial.
- D. For a renewal license, the substantive review time frame described in A.R.S. § 41-1072(3) is 30 calendar days and begins on the date the Department sends written notice of administrative completeness to the applicant.
1. If an applicant or facility does not meet the requirements of A.R.S. § 36-881 *et seq.* and these rules, the Department shall provide to the applicant a written notice of nonconformance that states each statute and rule upon which nonconformance is based.
 - a. Within 10 calendar days from the date of receipt of a written notice of nonconformance the applicant shall submit to the Department written documentation of the corrections required in the notice of nonconformance. The 30 day time frame for the Department to finish the substantive review is suspended from the date the Department provides the written notice of nonconformance to the applicant until the Department receives documentation of corrections.
 - b. The Department shall issue a written notice of denial of license as prescribed in A.R.S. §§ 36-888 and 41-1076, if:
 - i. The applicant does not submit documentation of corrections within the time frame in subsection (D)(1)(a); or
 - ii. Upon receipt of documentation of corrections from the applicant, the Department determines that the applicant or facility do not meet the requirements of A.R.S. § 36-881 *et seq.* and these rules.
 2. If the applicant and facility meet the requirements of A.R.S. § 36-881 *et seq.* and these rules, the Department shall issue a license to the applicant.

R9-5-207. Provisional license Changes Affecting License

- A. The Department may issue a provisional license pursuant to A.R.S. § 36-882(C) if a center is found to be not in total compliance with these rules. The center shall submit a written plan to the Department for approval which describes the licensee's plan for correcting deficiencies and the proposed date by which corrective action shall be completed.
- B. In order for the center to satisfactorily complete the provisional period, surveys conducted by the Department must show:
1. That all deficiencies cited in previous Department surveys of the center have been corrected; and

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2. That the center is in complete compliance with applicable statutes and these rules.
- A. A licensee shall notify the Department in writing at least 30 calendar days before the date of a change in a facility's name. Within 30 calendar days from the date of receipt of the notice, the Department shall issue an amended license that incorporates the change but retains the expiration date of the current license.
- B. A licensee shall submit a written request to the Department at least 30 calendar days before the date of an intended change in service classification, space utilization, or licensed capacity, that includes the type of change and a narrative description of the intended change.
1. Within 30 calendar days from the date of receipt of the request, the Department shall review the requested change and send written notice of the review to the licensee. If the intended change:
- a. Complies with A.R.S. §§ 36-881 *et seq.* and these rules, the Department shall send the licensee an amended license that incorporates the change but retains the expiration date of the current license; or
- b. Does not comply with A.R.S. §§ 36-881 *et seq.* and these rules, the Department shall provide the licensee with written notice stating the requirements necessary for the Department to approve the requested change.
2. A licensee shall not implement any change until an amended license is issued.
- C. A licensee shall notify the Department, in writing, 30 calendar days before making a change in the ownership of a facility. A new owner shall obtain a license from the Department before beginning operation of the facility.
- D. A licensee changing a facility's location shall apply for a new license as prescribed by R9-5-201. If the licensee has completed the training required in R9-5-201(A)(3), the licensee is not required to repeat the training.
- E. A licensee that is a corporation or limited liability company shall notify the Department in writing within 30 calendar days after the date of a change in any corporate or company officer or statutory agent.
- F. A licensee that is a partnership or a joint venture shall notify the Department in writing within 30 calendar days after the date of a change in members of the partnership or joint venture, or of an individual designated in writing by the licensee to accept service of process and subpoenas.
- G. A licensee that is an association or cooperative, school governing board, or charter school shall notify the Department in writing within 30 calendar days after the date of a change in the officers of the association, cooperative, school governing board, or charter school, or of the statutory agent or other individual designated in writing by the licensee to accept service of process and subpoenas.

R9-5-208. Denial, revocation or suspension of license Inspections; Investigations

- A. A license may be denied, revoked or suspended for any of the following reasons:
1. The Department has determined that the center has used fraud or deceit in applying for or obtaining a license.
2. The Department has refused to register the applicant or center personnel pursuant to R9-5-210.
3. The Department has determined that the center has personnel:
- a. Who are addicted to drugs or alcohol or whose performance is affected by the use of drugs or alcohol; or
- b. Who have engaged in physical, emotional or sexual

abuse; or

e. Who use unacceptable disciplinary methods, as defined in R9-5-518(B).

4. Failure to comply with the provisions of the Day Care Act or these rules.
5. Significant deficiencies noted in nighttime or weekend care shall result in Department revocation of licensure for these services.
- B. Each license is the property of the State of Arizona and said certificate shall be returned to the Department immediately upon suspension, revocation or termination of the license.
- A. The Department shall inspect each facility before issuing an initial license or a renewal license, and as often as necessary to determine compliance with A.R.S. §§ 36-881 *et seq.* and these rules. A licensee shall allow access to all areas of the facility affecting the health, safety, or welfare of a child or to which a child has access during hours of operation.
- B. If the Department receives written or verbal information alleging a violation of A.R.S. §§ 36-881 *et seq.* or these rules, the Department shall conduct an investigation to verify compliance. The licensee shall permit the Department to interview child care personnel and enrolled children for the investigation.

R9-5-209. Renewal of license Denial, Revocation, or Suspension of License

Each application for license renewal shall be submitted on Department forms at least 60 days prior to the expiration of the current license.

- A. The Department may deny, revoke, or suspend a license to operate a facility if an applicant or licensee:
1. Provides false or misleading information to the Department;
2. Has been denied a certificate to operate a child care home or a license to operate a facility in any state, unless the denial was based on the applicant's failure to complete the licensing process in accordance with a required time frame;
3. Has had a certificate or license to operate a child care home or facility revoked or suspended in any state;
4. Has had registration to work in a child care facility in the state of Arizona revoked or denied; or
5. Fails to comply with any provision contained in A.R.S. §§ 36-881 *et seq.* or these rules.
- B. In determining whether to deny, suspend, or revoke a license, the Department shall consider the threat to the health and safety of children in a facility based on such factors as:
1. Repeated violations of statutes or rules;
2. Pattern of non-compliance;
3. Type of violation;
4. Severity of violation; and
5. Number of violations.

R9-5-210. Registration of child day care center personnel

- A. Documentation shall be maintained at the center which verifies center compliance with A.R.S. § 13-3716 and personnel requirements in A.R.S. § 36-883.02.
- B. The Department shall not register any person to work in a child day care center who is awaiting trial on, has been convicted of, or admitted committing any criminal offenses listed in A.R.S. § 36-883.02.
- C. The Department shall refuse to register a person to work in a child day care center who is awaiting trial, has been convicted of, or has admitted committing a felony or misdemeanor if the Department determines there is a reasonable basis to conclude that the potential registrant's presence in the center may have a detrimental effect on the children.

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D. Persons who otherwise meet the personnel qualifications but who have been convicted of driving under the influence of alcohol or drugs within the past three years, shall be issued a limited registration which restricts the person from driving any vehicle used to transport a child to or from the center at any time. Such a person may apply for full registration after a period of three years from the last conviction.

R9-5-211. Assessment of civil penalty

The Department may impose a civil penalty pursuant to A.R.S. § 36-891, not to exceed \$50.00 for the first offense and \$100.00 for subsequent offenses for any of the following:

1. Failure to provide required staffing or supervision for children;
2. Releasing a child from the center without authorization;
3. Placing a child in a life-threatening situation;
4. Failure to comply with cleaning, sanitation and safety requirements of these rules;
5. Failure to comply with nutritional requirements of these rules;
6. Use of inappropriate disciplinary methods included in R9-5-518(B);
7. Failure to correct deficiencies noted by the Department within established timelines determined by the Department in conjunction with the child day care center.

**ARTICLE 3. CENTER ADMINISTRATION FACILITY
ADMINISTRATION**

R9-5-301. Center—responsibility General Licensee Responsibilities

- A.** In addition to requirements of A.R.S. § 36-883.01, the center shall provide parents with a written statement of services upon the child's admission to the center or upon change in services which includes at least the following:
1. Services offered to children;
 2. Hours of operation;
 3. Admission requirements and enrollment procedures;
 4. Policies regarding payment of fees;
 5. Discipline policies;
 6. Provisions for individual needs of special children;
 7. Transportation services;
 8. Procedure for field trips;
 9. Responsibilities and expected involvement of parents in center activities;
 10. Description of routine activities and a description of the educational programs offered;
 11. A statement that liability insurance is carried by the center pursuant to R9-5-302. If liability insurance is not carried by the center, such shall be stated; and
 12. Policy on medications and emergency medical procedures.
- B.** All visitors shall be supervised and accompanied by center personnel while touring the center.
- C.** Center personnel shall not release a child to anyone other than the custodial parent, guardian or a person designated by written authorization from the custodial parent or guardian except in the case of an emergency when phone authorization by that parent or guardian is provided.
- D.** The center shall have procedures to verify phone authorizations initiated by the custodial parent or guardian.
- E.** Center personnel shall inform parents about observations of the child's physical and emotional well-being, participation in center activities and programs, or unanticipated changes in the child's personality, behavior or habits.

- F.** The center shall notify parents and guardians that they have access to all areas of the center at any time during hours of operation and that they are allowed to interact with their children in the center's programs and activities.
- G.** The center shall have a written plan and instructions for center personnel to use in cases of emergency. Each of the center's personnel shall have read and be able to demonstrate that they can implement the plan in emergency situations.
- A.** A licensee is responsible for the compliance of a facility with A.R.S. §§ 36-881 *et seq.* and these rules. The licensee shall designate a facility director who acts on behalf of the licensee and is responsible for the daily on-site operation of a facility. A licensee shall ensure that a facility director:
1. Designates in writing, an individual meeting the qualifications of R9-5-401(1), who acts on behalf of the facility director when the facility director is not present in the facility and has access to all records necessary for performance of the facility director's duties;
 2. Supervises or assigns a teacher-caregiver to supervise each staff member that does not meet the qualifications of R9-5-401(2) and each student-aide;
 3. Prepares a dated attendance record for each calendar day and ensures that each staff member records on the attendance record the time of each arrival and departure of the staff member.
- B.** A licensee shall develop and implement written facility policies and procedures required for the daily on-site operation of the facility as prescribed in A.R.S. §§ 36-881 *et seq.* and these rules.
- C.** A licensee shall ensure that parents are informed that they have access to all areas of a facility where child care services are provided during hours of operation and that parents are permitted to participate in any child care activity.
- D.** A licensee shall ensure that the following individuals are allowed immediate access to facility premises during hours of operation:
1. A parent or an individual designated in writing by the parent; or
 2. A representative of:
 - a. The Department,
 - b. Local health department,
 - c. Child Protective Services, or
 - d. Local fire department or State Fire Marshal.
- E.** A licensee shall, with the exception of individuals listed in subsection (D), ensure that a staff member accompany and monitor any individual not registered with the Department, as prescribed by A.R.S. § 36-883.02, who is on facility premises to provide repair, maintenance, supplemental education, or other services where children are present.
- F.** A licensee shall ensure that each staff member, before the starting date of employment or volunteer services and every 24 months thereafter, submits 1 of the following documents provided by a health care provider as evidence of current freedom from pulmonary tuberculosis:
1. A report of a negative Mantoux skin test taken within 3 months of submitting the report; or
 2. A physician's written statement that the staff member is free from tuberculosis.
- G.** If an enrolled child has an accident, injury, or emergency that requires medical treatment by a health care provider while attending a facility, the licensee shall ensure that a staff member:
1. Notifies the child's parent immediately after the accident, injury, or emergency;

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2. Documents the date, time, and location of the child's accident, injury, or emergency, the method used to notify the parent, and the time the parent was notified; and
 3. Maintains documentation of the accident, injury, or emergency on facility premises in a file that is separate from the current Emergency, Information, and Immunization card for 24 months from the date of the child's disenrollment.
- H. A licensee shall ensure that at least 1 staff member who has current training in first aid and at least 1 staff member who has current training in CPR, as required by R9-5-403(E), is present at all times on facility premises, on field trips or while transporting enrolled children in a facility's motor vehicle or a vehicle designated by the licensee to transport children. This requirement may be met by a single staff member who has current training in both first aid and CPR.
- I. A licensee shall prohibit the use or possession of the following items when an enrolled child is on facility premises, during hours of operation, or in any motor vehicle when used by the licensee for transportation of enrolled children:
1. Any beverage containing alcohol;
 2. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2;
 3. A dangerous drug as listed in A.R.S. § 13-3401(6);
 4. A prescription medication as defined in A.R.S. § 32-1901(63) except where used in the manner prescribed; or
 5. A firearm as defined by A.R.S. § 13-105(17).
- J. At least once every 30 calendar days and at different times of the day, a licensee shall ensure that an unannounced fire evacuation drill is conducted that includes each staff member and child at the facility.
1. If child care services for a child with special needs are provided at a facility, the licensee shall provide for the child's participation in each fire evacuation drill in accordance with the child's individualized plan as specified in R9-5-507(A)(1).
 2. A licensee shall keep a written record of each fire evacuation drill on facility premises for 12 months from the date of the drill.
- K. A licensee shall ensure that a written performance evaluation of each staff member is conducted every 12 months from the date of employment.

R9-5-302. Insurance Statement of Child Care Services

- A. Each center shall secure and maintain general liability insurance with minimum limits of \$300,000, including coverage for any vehicle used for transporting children.
- B. In the event that the Director determines that insurance is unavailable or that coverage in the required amounts cannot be obtained by the majority of the licensed child day care centers, the Director may issue an order modifying the requirements of subsection (A) for a period not to exceed one year. Such order may be revised or renewed following review by the Director of the then current insurance availability.
- A. A licensee shall prepare a written statement regarding child care services that includes:
1. A description of the facility's child care services classifications in R9-5-205;
 2. Hours of operation;
 3. Child enrollment and disenrollment procedures;
 4. Charges, fees, and payment requirements for child care services;
 5. Child admission and release requirements;
 6. Discipline guidelines and methods;
 7. Transportation procedures;
 8. Field trip requirements and procedures;

9. Responsibilities and participation of parents in facility activities;
10. A description of all activities and programs;
11. Liability insurance required by R9-5-308 that is carried by the licensee;
12. Medication administration procedures;
13. Emergency medical procedures; and
14. A notice stating inspection reports are available, upon request.

B. A licensee shall provide a copy of the written statement of child care services:

1. To the Department:
 - a. At the time the licensee's facility receives an initial license;
 - b. Every 12 months from the date of the initial license as required by A.R.S. § 36-883.01; and
 - c. When a change occurs in the child care services provided by the licensee; and
2. To a parent when:
 - a. A parent's child is enrolled;
 - b. A parent requests a copy of the written statement of child care services; or
 - c. There is a change in the child care services provided by the licensee.

R9-5-303. Fire, safety and sanitation reports Posting of Notices

The center shall maintain in one central area within the center, a current copy of fire, safety and sanitation inspection reports, documentation that all requested corrections have been completed and a copy of monthly fire drill reports. These reports shall be made available to the Department for immediate inspection until the license expires.

- A. A licensee shall designate a wall area or notice board inside the facility's entrance, in a place that can be viewed by individuals entering or leaving the facility, for the posting of the:
1. Current license;
 2. Name of facility director;
 3. Name of the individual designated as prescribed by R9-5-301(A)(1) to act on behalf of the facility director when the facility director is not present in the facility;
 4. Schedule of child care services fees and policy for the refund of fees as prescribed by A.R.S. § 36-882(K);
 5. Breakfast, lunch, dinner, and snack menus for each calendar week at the beginning of the calendar week;
 6. Notice of an outbreak of any communicable disease or infestation described in R9-6-202 (C) from the date of discovery through the incubation period of the disease or infestation;
 7. Notice of denial, revocation or suspension as prescribed by A.R.S. § 36-888;
 8. Notice of an intermediate sanction imposed as prescribed by A.R.S. § 36-891.01;
 9. Notice of legal injunction imposed as prescribed by A.R.S. § 36-886.01; and
 10. Notice of the availability of facility inspection reports for public viewing.
- B. A licensee shall ensure that the licensed capacity of each activity area or room is posted in that activity area or room.

R9-5-304. Personnel records and reports Enrollment of Children

- A. The center shall maintain a current, individual file for each of the center's full-time and part-time personnel which includes:
1. Individual's name, birthdate, address and phone number;
 2. A record of work experience, education and training including where and when it was obtained;

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3. Name and telephone number of the person, physician or health facility to be notified in case of an emergency;
 4. Evidence of a tuberculin test pursuant to R9-5-401(B);
 5. A written statement, provided by the individual on a Department approved form, testifying to immunity to measles, rubella, diphtheria, tetanus and polio;
 6. Required licenses and certifications;
 7. Verification of compliance with R9-5-210;
 8. Date of employment or volunteer assignment; and
 9. Written performance evaluations.
- B.** Personnel files shall be maintained in one central location within the center or, for multi-center organizations, the records may be kept at a central administrative office. If kept at a central administrative office, that office shall be located within the same city or town as the child day care center.
- C.** The records shall be available for immediate inspection by the Department for a period of one year following termination of employment or volunteer work.
- A.** A licensee shall require that a child be enrolled by the child's parent or an individual authorized in writing by the parent.
- B.** At the time of enrollment, a licensee shall require a child's parent to complete an Emergency, Information, and Immunization Record card that is signed by a parent containing:
1. The child's name, home address, home telephone number, sex, and date of birth;
 2. The date of the child's enrollment;
 3. The names, home and business addresses, and telephone numbers of the child's parents;
 4. The names, addresses, and telephone numbers of individuals authorized by a parent to collect a child from the facility if the parent cannot be located;
 5. The names of individuals not permitted by a parent to remove the child from a facility;
 6. The names, addresses, and telephone numbers of a child's physician or health care provider and hospital;
 7. The written authorization and parent instructions for emergency medical care of the parent's child when the parent cannot be contacted at the time of the emergency;
 8. The written instructions of a parent or health care provider for nutritional and dietary needs of a child;
 9. A written record completed by a parent or health care provider noting a child's susceptibility to illness, physical conditions of which child care personnel should be aware, and any individual requirements for health maintenance; and
 10. A child's immunization record or a notation of exemption affidavit, required by R9-5-305(A).
- C.** A licensee shall maintain a current Emergency, Information, and Immunization Record card for each enrolled child on facility premises in a place that provides child care personnel ready access to the card in event of an emergency at, or evacuation of, the facility.
- D.** When a child is disenrolled from a facility, the licensee shall:
1. Enter the date of disenrollment on the child's Emergency, Information, and Immunization Record card; and
 2. Maintain the records in subsection (D)(1) for 12 months from the date of disenrollment on facility premises in a place separate from the current Emergency, Information, and Immunization Record cards.
- 2.** Names of the child's parents or guardian, home and work addresses and telephone numbers.
- 3.** Name, address and telephone number of additional persons to be notified in the event that the parents or guardian cannot be located.
- 4.** Name and telephone number of the child's primary source of medical care.
- 5.** Authorization and instructions for emergency medical care of the child when parents or guardian cannot be contacted.
- 6.** Written instructions of the parent, guardian, or attending physician for any special dietary needs.
- 7.** A record completed by the parent, guardian, or physician noting the child's susceptibility to illness and special requirements for health and maintenance.
- 8.** Immunization record or exemption affidavit which includes:
- a. A verifiable record provided by the child's health care provider, parent or guardian which states that the child has received current, Department recommended, age-appropriate immunizations for Haemophilus Influenza, Type B (Hib), measles, mumps, rubella, diphtheria, pertussis, tetanus and polio. The parent or guardian of an unimmunized or partially immunized child shall verify that the child will receive these immunizations in accordance with the Department recommended schedule and provide a documented record from the health care provider of such immunizations, as they are completed; or
 - b. An affidavit signed by the child's health care provider that the child has a medical condition such that required immunizations would seriously endanger the child's health; or
 - c. An affidavit signed by the child's parent or guardian that the child is being raised in a religion, the teachings of which are in opposition to immunization.
- 9.** Documentation that the center has notified the parent or guardian of each child who is 24 months of age or younger, at least quarterly and in writing, of all immunizations for that child which will become due during the upcoming quarter.
- 10.** Documentation that the center has notified the parent or guardian of each child who is 25 months or older, at least annually and in writing of all immunizations for that child which will become due during the coming year.
- 11.** Documentation that the child's parent or guardian was notified immediately of accidents or injuries to the child which required professional medical attention, and that an accident report was sent to the Department within three working days.
- 12.** Legal documentation of sole legal guardianship, if the custodial parent or guardian requests that the center not allow the non-custodial parent to interact with the child at the center.
- 13.** Written permission allowing phone authorizations for release of the child signed by the parent or legal guardian.
- A.** A licensee shall not permit an enrolled child to attend a facility until the facility receives either a child's written immunization record or an exemption affidavit.
1. A child's immunization record provided by a parent shall contain the information required by A.A.C. R9-6-703(A) and (B) provided by a health care provider, stating that the child has received all current, age-appropriate immunizations required by the Department as prescribed in A.A.C. R9-6-701(A) and (B).

R9-5-305. Records and reports pertaining to children Child Immunization Requirements

The center shall maintain in one central location within the center, an individual file for each enrolled child. The file shall be made available for immediate inspection to the Department and contain the following:

1. Child's name, address, sex and date of birth.

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2. An exemption affidavit provided by a parent shall consist of:
 - a. A statement, signed by a child's health care provider, that the immunizations required by the Department as prescribed in A.A.C. R9-6-701(A) and (B) would endanger a child's health or medical condition; or
 - b. A statement, signed by a child's parent, that the child is being raised in a religion whose teachings are in opposition to immunization.
- B. A licensee shall ensure that a staff member updates a child's immunization record on the child's Emergency, Information, and Immunization Record card each time a parent provides the licensee with a written statement from a child's health care provider that the child has received an age-appropriate immunization required by R9-6-701(A) and (B).
- C. If a child's immunization record indicates that a child has not received an age-appropriate immunization required by A.A.C. R9-6-701(A) and (B), a licensee shall ensure that a staff member:
 1. Notifies a parent in writing that the child may attend the facility for not more than 15 calendar days from the date of the notification unless the parent provides the facility with written evidence of the required immunization or an exemption affidavit as prescribed by subsection (A)(2); and
 2. Documents in the child's immunization record the date on which a parent is notified of an immunization required by the Department.
- D. If there is an outbreak, as defined in A.A.C. R9-6-101(14), of a communicable disease at the facility for which a child lacks written evidence of immunity, a licensee shall ensure that child care personnel do not permit the child in the facility until:
 1. A parent provides written evidence of the child's immunity to the disease; or
 2. A local health department notifies the licensee that the outbreak is over or that the child may return to the facility.

R9-5-306. Attendance records Admission and Release of Children; Attendance Records

- A. The center shall keep attendance records of staff on duty and enrolled children which indicate the time of arrival and departure of each staff member and each child. The records shall be retained for two years in one central location within the center or, for multi-center organizations, these records may be kept at a central administrative office. If kept at a central administrative office, that office shall be located within the same city or town as the child day care center. The records shall be available for immediate inspection by the Department.
- B. The center shall maintain a dated class roster in each child care room on a daily basis which lists the names of all children assigned to that room for that day, and maintain the rosters on file for three months.
- A. A licensee shall maintain a dated attendance form containing a child's name with the time of each admission and release of the child.
 1. A licensee shall ensure that the attendance form is signed with at least a first initial and last name by each child's parent or individual designated in writing or by telephone by a parent, each time the child is admitted or released.
 2. Before releasing a child to an individual other than a parent, a licensee shall require each individual collecting a child to present picture identification.
 3. A licensee shall not release a child to an individual other than a child's parent or other individual designated in writing by a parent except when the parent is unable to

collect the child and authorizes the licensee by telephone to release the child to an individual not so designated. The licensee shall verify the telephone authorization using a means of verification that has been agreed upon between the licensee and the parent at the time of enrollment.

4. A licensee shall not permit the self-admission or self-release of an enrolled child unless the child is of school age and the licensee has obtained and verified written permission from the child's parent.
5. A licensee shall maintain the attendance form on facility premises for 12 months from the date of attendance.
- B. A licensee shall ensure that a staff member prepares and maintains a roster each calendar day for each activity area that:
 1. Is dated;
 2. Lists the first and last name of each child physically present in the activity area; and
 3. Is maintained on facility premises for 3 months from the date of attendance.

R9-5-307. Records and reports of suspected child abuse Suspected or Alleged Child Abuse or Neglect

The center shall maintain documentation that all suspected cases of child abuse or neglect were reported to the appropriate authorities immediately upon detection in accordance with A.R.S. § 13-3620, reported to the Department within 24 hours and followed by a written report to appropriate authorities and the Department. Documentation shall be available for immediate review by the Department. A licensee or staff member shall document and report all suspected or alleged cases of child abuse or neglect.

- A. Immediately upon detection, a licensee or staff member shall report the suspected or alleged child abuse or neglect to Child Protective Services or to a local law enforcement agency as prescribed in A.R.S. § 13-3620. The licensee or staff member shall notify the Department of the suspected or alleged child abuse or neglect by any means available within 24 hours of the required report. The licensee or staff member shall also send written documentation to the Department, Child Protective Services, and any local law enforcement agency previously notified within 3 calendar days of the initial report, and maintain written documentation of a child abuse or neglect report on facility premises for 12 months from the date of a report.
- B. Immediately upon detection, a licensee or staff member shall report the suspected or alleged child abuse by a staff member to the Department and to a local law enforcement agency as prescribed in A.R.S. § 13-3620. A licensee or staff member shall also send written documentation to the Department and to any law enforcement agency previously notified within 3 calendar days of the initial report, and maintain written documentation of a child abuse report on facility premises for 12 months from the date of a report.

R9-5-308. Enrollment, admission and release of children Insurance Requirements

- A. The child shall be enrolled by the parent or guardian. A plan for the child's care and any special requirements shall be clearly defined in writing upon enrollment.
- B. Information required for the child's file pursuant to R9-5-305 shall be recorded and signed by the parent or guardian when the child is enrolled.
- C. A child shall not be admitted if the admission will cause the center to exceed its licensed capacity.
- D. If children are to be released to persons other than the custodial parent or guardian, authorization for such release shall be obtained when the child is enrolled and updated as changes occur.

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- E. ~~Children shall not be allowed to admit or release themselves from a child day care center unless they are of school age and authorization in writing is provided by the child's parent or guardian. If written authorization is brought to the center by the child, the authorization shall be verified with the parent or guardian upon receipt.~~
- F. ~~Centers shall require the signature of the parent, guardian, or a person authorized by the parent or guardian, each time the child enters the center or is released from the center. Centers shall require all persons other than the parent or guardian to present picture identification for verification in addition to the signature prior to releasing a child from the center.~~
- G. ~~No child shall continue enrollment in the child day care center for more than 15 days, after receiving notification of needed immunizations, unless the parent/guardian has provided evidence of age appropriate immunization or an exemption affidavit.~~
- H. ~~Children without evidence of immunity or an affidavit exempting immunization on file at the center are subject to exclusion from the center.~~
- A. ~~A licensee shall secure and maintain the following minimum insurance coverage:~~
 - 1. ~~General facility liability insurance of at least \$300,000; and~~
 - 2. ~~Motor vehicle insurance coverage required by R9-5-517(A)(2) for each motor vehicle used by a licensee to transport enrolled children.~~
- B. ~~A licensee shall provide a copy of each certificate of insurance to the Department before issuance of a license and at any time that the licensee's insurance coverage expires, is canceled, or changes.~~

R9-5-309. Sanitation, Gas, and Fire Inspections

- A. ~~A licensee shall obtain the following health and safety inspections of a facility, according to the following schedules, and make any repairs or corrections stated on an inspection report before a license is issued by the Department:~~
 - 1. ~~Sanitation inspections, conducted every 12 months by a local health department,~~
 - 2. ~~Gas inspections, conducted every 12 months by a plumber holding a plumbing business license issued by a local government, and~~
 - 3. ~~Fire inspections, conducted every 36 months by a local fire department or the State Fire Marshal.~~
- B. ~~A licensee shall maintain current reports of sanitation, gas, and fire inspections and documentation of any repairs or corrections on facility premises.~~

ARTICLE 4. CENTER PERSONNEL FACILITY STAFF

R9-5-401. General personnel standards Staff Qualifications

- A. ~~Center personnel shall have the physical and emotional health necessary to perform the duties and responsibilities required by these rules.~~
- B. ~~Tuberculin tests shall be required of all center personnel as follows:~~
 - 1. ~~A tuberculin skin test shall be obtained prior to employment and for volunteers who will be contact with children at the center on a weekly basis. If a prospective employee is known to be tuberculin skin test positive, that individual shall submit verification of current freedom from communicable tuberculosis based on examination by a physician or public health clinic.~~
 - 2. ~~Personnel who have previously tested positive on skin tests must obtain a chest x-ray and sputum examination at any time they manifest symptoms compatible with tuberculosis.~~

- 3. ~~If the center is located in a private home, every member of the household shall be subject to the tuberculosis screening required for personnel.~~
- C. ~~Personnel shall not be allowed in the center who knowingly have, or present symptoms of, a contagious disease.~~
- D. ~~Individuals without evidence of immunity on file are subject to exclusion from the center by order of state or local health officials. Individuals who were born before January 1, 1957, shall be considered immune to measles and therefore exempt from the measles immunization.~~
- E. ~~There shall be at least one staff member with current certification in first aid training from a Department approved program and one staff member with current cardiopulmonary resuscitation certification from a program approved by the American Heart Association on the center premises at all times when the center is open, and on field trips.~~
- F. ~~The center shall document good faith efforts to obtain three personal and three past employer references for potential center personnel. This documentation shall include at least one written personal reference and one written reference from the most recent employer.~~
- G. ~~Personnel shall not smoke or use tobacco on the center premises during the hours of operation except in designated areas separated from the children.~~

~~A licensee shall ensure that child care personnel meet the following qualifications for employment at a facility.~~

- 1. ~~A facility director is 21 years of age or older and provides the licensee with written documentation of the following:~~
 - a. ~~High school or G.E.D. diploma and at least 6 credit hours in early childhood, child development, or closely related field in an accredited college or university, or 60 actual hours of instruction, as provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and at least 24 months of child care experience;~~
 - b. ~~C.D.A., C.C.P., or C.P.C. credential and at least 18 months of child care experience;~~
 - c. ~~A minimum of 24 credit hours from an accredited college or university, including at least 6 credit hours of course work in the areas of early childhood, child development, or closely related field, and 18 months of child care experience;~~
 - d. ~~Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 6 months of child care experience; or~~
 - e. ~~Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 3 months of child care experience.~~
- 2. ~~A teacher-caregiver is 18 years of age or older and provides the licensee with written documentation of the following:~~
 - a. ~~High school or G.E.D. diploma and 6 months of child care experience;~~
 - b. ~~C.D.A., C.C.P., or C.P.C. credential; or~~
 - c. ~~Associate or bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field.~~
- 3. ~~An assistant teacher-caregiver is 16 years of age or older and provides the licensee with written documentation of the following:~~
 - a. ~~Enrollment in high school or a G.E.D. class,~~
 - b. ~~High school or G.E.D. diploma,~~
 - c. ~~Enrollment with a STRIVE program as prescribed~~

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- by A.R.S. § 15-781.01, or
- d. Enrollment in vocational rehabilitation as defined in A.R.S. § 23-501(8).
- 4. A student-aide provides the licensee with written documentation of enrollment in:
 - a. A high school STRIVE program as prescribed by A.R.S. § 15-781.01;
 - b. An educational, curriculum-based course in child development, parenting, or guidance counseling; or
 - c. A vocational education or occupational development program.
- 5. A volunteer is 16 years of age or older.

R9-5-402. Personnel—qualifications Staff Records and Reports

- A. The center director shall be at least 21 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- B. Teacher-caregivers shall be at least 18 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- C. Assistant teacher-caregivers shall be at least 16 years old and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- D. Center directors and teacher-caregivers hired prior to the adoption of these rules shall have two years from the date of adoption to meet the minimum qualifications required for employment. A teacher-caregiver regularly employed at a center for five or more years prior to the adoption of these rules shall be exempt from the requirements in subsection (B) of this rule.
- E. No one under the age of 16 shall be employed or serve as a volunteer in a child day care center.
- F. Personnel under the age of 18 must be directly supervised at all times.
- A. A licensee shall maintain a file for each staff member containing:
 - 1. The staff member's name, date of birth, home address, and telephone number;
 - 2. Documents required by R9-5-401;

- 3. Name and telephone number of an individual or health care provider to be notified in case of emergency;
- 4. Documents required by R9-5-301(F);
- 5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, and tetanus;
- 6. A copy of any current license or certification required by A.R.S. §§ 36-881 *et seq.* or these rules;
- 7. Written documentation from the Department verifying registration compliance with the Department according to A.R.S. § 36-883.02;
- 8. All written performance evaluations of the staff member conducted by the licensee as required by R9-5-301(K);
- 9. The staff member's starting dates of employment or volunteer service;
- 10. The staff member's ending dates of employment or volunteer service, if applicable;
- 11. Written documentation of training provided by a licensee as required by R9-5-403; and
- 12. At least 3 personal and 3 professional references, including at least 1 written personal reference and at least 1 written professional reference from a previous employer, and documentation of the licensee's good faith effort to contact each reference.
- B. A licensee shall ensure that a staff member's information, required by subsections (A)(1) through (A)(12), is maintained in a single location on facility premises. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee shall maintain the information required by subsections (A)(1) through (A)(10) on facility premises, but may maintain the information required by subsections (A)(11) and (A)(12) in a single, central administrative office located in the same city, town, or school attendance area as the facility.
- C. A licensee shall ensure the records and reports required by this rule are maintained throughout a staff member's period of employment or volunteer service and for 12 months from a staff member's last date of employment or volunteer service.

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TABLE OF QUALIFICATION STANDARDS

CHILD DAY CARE CENTER DIRECTOR

Each center director shall meet one of the following sets of minimum academic and qualifying experience.

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

A high school diploma or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood education or child development.

Two years

A Child Development Associate credential or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood or child development.

Eighteen months

One year of college with at least six hours of academic course work in early childhood education, child development or closely related field.

Eighteen months

An association degree in early childhood education, child development or closely related field.

Six months

A bachelor's degree in early childhood education, child development or closely related field.

Three months

CHILD DAY CARE CENTER TEACHER-CAREGIVER

Each teacher-caregiver shall meet one of the following sets of minimum academic and qualifying experience.

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

High school diploma or its equivalent.

Six months

Child Development Associate credential or equivalent.

N/A

Associate or bachelor's degree in early childhood education, child development or closely related field.

N/A

CHILD DAY CARE CENTER ASSISTANT TEACHER-CAREGIVER

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

High school diploma or its equivalent and an interest in working with children.

N/A

Enrolled in high school H.E.R.O. program or similar educational program approved by the school governing board

N/A

Enrolled in high school classes or equivalent and an interest in working with children in summer camps.

N/A

R9-5-403. Personnel responsibilities and duties Training Requirements

A. The center director shall:

1. Be responsible for the supervision of personnel and children.

2. Designate in writing a teacher-caregiver who is at least 21 years old to act in the center director's behalf and have access to all records necessary to the performance of the director's duties during an absence from the center.
3. Provide for continuous supervision, during hours of operation, of all non-center persons who are registered with

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the Department pursuant to R9-5-210 but are furnishing repair, maintenance, supplemental education or other essential services for compensation in an area of the center where children are present.

4. Provide, or make available, a minimum of 12 hours of in-service training each year for all teacher-caregivers, assistant teacher-caregivers and other personnel as appropriate, depending upon the needs of the program and the qualifications of staff and volunteers. The training shall include at least the following:
 - a. Orientation of all new employees to the center and its policies and procedures;
 - b. On-the-job training for all new personnel who need training in specific areas of job responsibilities;
 - c. Personnel responsibilities in complying with these rules;
 - d. Health and safety procedures including recognition of illness and disease and training in basic disease control techniques;
 - e. Child growth and development;
 - f. Child abuse prevention, detection and reporting;
 - g. Positive guidance and discipline;
 - h. Nutrition and good eating habits;
 - i. Availability of community services;
 - j. Family involvement and communication with families;
 - k. Program planning and development; and
 - l. Creating a classroom environment.
5. Provide, or assign a teacher-caregiver to provide, supervision for each assistant teacher-caregiver.
- B. Center personnel may perform duties other than child care if the duties are not undertaken simultaneously with the supervision of the children in their charge. Personnel with diaper changing responsibilities shall not be assigned food preparation duties.
- C. Center personnel having responsibility for the care of children shall report any case of suspected child abuse or neglect in accordance with R9-5-307.
- D. Center personnel shall not be regularly scheduled to perform child care duties for more than eight hours within any 24-hour period.
- A. A licensee shall provide, and each staff member who provides child care services to children, shall complete within 10 calendar days of the starting date of employment or volunteer service, training for new staff members that includes:
 1. Facility philosophy and goals;
 2. Names, ages, and needs of children to be assigned to a staff member;
 3. Health needs, nutritional requirements, and information about adaptive devices of children for whom a staff member will provide child care services;
 4. Lesson plans;
 5. Child guidance and methods of discipline;
 6. Hand washing techniques;
 7. Diapering techniques and toileting, if assigned to diaper changing duties;
 8. Food preparation, service, and storage, if assigned to food preparation;
 9. Infant formula preparation, if assigned to formula preparation;
 10. Recognition of signs of illness and infestation;
 11. Child abuse or neglect detection, prevention, and reporting;
 12. Accident and emergency procedures; and
 13. Staff responsibilities as required by A.R.S. §§ 36-881 *et seq.* and these rules.

- B. A licensee shall ensure that, every 12 months from a staff member's date of employment, the staff member completes 12 or more actual hours of training, through conferences, seminars, lectures, or workshops, in 1 or more of the following areas:
 1. Accident and emergency procedures, including CPR and first aid for infants and children;
 2. Recognition of signs of illness and infestation;
 3. Child growth and development;
 4. Child abuse or neglect detection, reporting, and prevention;
 5. Child guidance and methods of discipline;
 6. Nutrition and eating habits;
 7. Availability of community services and resources, including those available to children with special needs;
 8. Parent involvement and communication with parents;
 9. Program administration, planning, and development; and
 10. Environment of child care activity areas.
- C. A licensee shall ensure that documentation of a staff member's completion of training required by subsection (A) is signed by the facility director and dated.
- D. A licensee shall ensure that a staff member submits to the licensee documentation of training received as required by subsection (B) to the licensee as the training is completed.
- E. A licensee shall ensure that a staff member required by R9-5-301(H) meets all of the following:
 1. The staff member obtains first aid training specific to infants and children;
 2. The staff member obtains CPR training specific to infants and children that includes a demonstration of the staff member's ability to perform CPR;
 3. The staff member maintains current training in first aid and CPR;
 4. The staff member completes a training course presented by an individual:
 - a. Qualified as a trainer by one of the following:
 - i. The American Heart Association;
 - ii. The American Red Cross;
 - iii. The Red Crescent Association of Canada;
 - iv. The National Safety Council;
 - v. Medic First Aid;
 - vi. The Save-a-Life Foundation;
 - b. Licensed as a registered nurse as prescribed by A.R.S. § 32-1601 *et seq.*;
 - c. Certified as prescribed by A.R.S. § 36-2201 *et seq.*; or
 - d. Approved by the Department to provide CPR or first aid training before the effective date of these rules. As of January 1, 1998, all first aid and CPR training instructors previously approved by the Department shall meet the qualifications in subsection (E)(4)(b) or (E)(4)(c) or be qualified as a trainer by an organization listed in subsections (E)(4)(a)(i) through (E)(4)(a)(vi).
 5. The staff member provides the licensee with a copy of the front and back of the current card issued by the agency or instructor as proof of completion of the requirements of this subsection.

R9-5-404. Center-staffing Staff-to-children Ratios

- A. Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:

1. Infants	1:5 or 2:11
2. One-year-old child	1:6 or 2:13

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| 3. Two-year-old children | 1:10 |
| After July 1, 1988 | 1:8 |
| 4. Three-year-old children | 1:15 |
| After January 1, 1989 | 1:13 |
| 5. Four-year-old children | 1:20 |
| After July 1, 1989 | 1:15 |
| 6. Five-year-old children who are not yet school age | 1:25 |
| After January 1, 1990 | 1:20 |
| 7. School-age children | 1:25 |
| After January 1, 1990 | 1:20 |
- B. For center swimming and water activities conducted at a public swimming pool which provides appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule to be present in the pool or observing poolside.
- C. For center swimming and water activities conducted in a private swimming pool, or public swimming pool which does not provide appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule plus one additional person currently certified in advanced lifesaving and cardiopulmonary resuscitation (CPR) to be present in the pool or observing poolside.
- D. When transporting children who are not yet school age, the center shall provide ratios of center personnel to children defined in subsection (A) of this rule in addition to the vehicle driver unless four or fewer children are being transported. When transporting school-age children, ratios of center personnel to children defined in subsection (A) of this rule shall be maintained but the vehicle driver may be included in the required ratio.
- E. If otherwise qualified, the center director, office, domestic and maintenance personnel may be included in the count for required personnel/child ratios at times when their sole responsibility is child supervision. This shall be verified by a clearly stated outline of time commitments.
- F. Center personnel under 18 years of age may be included in the required personnel/child ratios if working under the supervision of adult personnel.
- G. In groups of children of mixed ages, the number of personnel required shall be based upon the staffing ratio required for the youngest child in the group.
- H. The center shall have a minimum of two personnel, one of whom shall be a teacher-caregiver on the center's premises at all times whenever six or more children of any age group are present. In a center where five or fewer children are in attendance, at least one of the center's personnel shall be on the premises with at least one of the center's other personnel readily available to relieve or assist in cases of emergency.
- I. No infants shall be mixed with older children for supervision if six or more children are present in the center.
- J. Each center shall have sufficient personnel to prepare and serve food, and maintain the center in a clean and safe manner. Maintenance of the child day care center shall not be dependent upon the work of the children under supervision.
- A. A licensee shall ensure that at least the following staff-to-children ratios are maintained at all times when providing child care services to enrolled children:
- | | |
|---------------------|-----------------------|
| <i>Age Group</i> | <i>Staff:Children</i> |
| Infants | 1:5 or 2:11 |
| 1-year-old children | 1:6 or 2:13 |
| 2-year-old children | 1:8 |
| 3-year-old children | 1:13 |
| 4-year-old children | 1:15 |

5-year-old children not school-age 1:20
 School-age children 1:20

- B. A licensee shall ensure that child care personnel:
1. Place enrolled children in age-appropriate or developmentally appropriate groups;
 2. Determine and maintain the required staff-to-children ratio for a group of children based on the age of the youngest child in the group;
 3. Allow a volunteer to be counted as staff in staff-to-children ratios;
 4. Not allow a student-aide to be counted as staff in staff-to-children ratios; and
 5. When 6 or more children are present in a facility, not place an infant for supervision with children who are not infants.
- C. A licensee shall ensure that at least 2 staff members are on facility premises when 6 or more children of any age group are present in a facility. At least 1 staff member shall be a teacher-caregiver. When 5 or fewer children are present, 1 teacher-caregiver shall be on facility premises and another staff member shall be available by telephone or other equally expeditious means and able to reach the facility within 15 minutes of notification.
- D. A licensee may allow a staff member to perform duties other than child care if the duties are not undertaken simultaneously with the supervision of children in the staff member's charge.
- E. In addition to maintaining the required staff-to-children ratios, a licensee shall ensure that staff members are present on facility premises to perform facility administration, food preparation, food service, and maintenance responsibilities. Facility maintenance shall not be dependent on the work of enrolled children.
- F. When 6 or more enrolled children are participating in a field trip, a licensee shall ensure that a teacher-caregiver and at least 1 additional staff member are present on the field trip.
- G. When transporting 6 or more enrolled children not yet of school age in a motor vehicle, a licensee shall maintain the staff-to-children ratios required by subsection (A). A licensee shall not include the motor vehicle driver as staff in the staff-to-children ratio.
- H. When transporting children of school age in a motor vehicle, a licensee shall maintain the staff-to-children ratio required by subsection (A). A licensee may include the motor vehicle driver as staff in the staff-to-children ratio.
- I. If a licensee conducts swimming activities at a swimming pool that has a lifeguard on the premises who has current lifesaving certification from the American Red Cross, a licensee shall maintain staff-to-children ratios required by subsection (A).
- J. If a licensee conducts swimming activities at a swimming pool that does not have a lifeguard on the premises who has current lifesaving certification from the American Red Cross, the licensee shall maintain staff-to-children ratios stated in subsection (A) and have at least 1 additional staff member who:
1. Has a current lifesaving certificate from the American Red Cross; and
 2. Is present in the pool or observing pool side while enrolled children are at the pool.

**ARTICLE 5. CENTER PROGRAM AND EQUIPMENT-
 FACILITY PROGRAM AND EQUIPMENT**

- R9-5-501. General program standards General Child Care Program and Equipment Standards**
- A. The center shall maintain a safe and healthful environment, free from disease and illness.

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- B.** ~~Within each daily program, teacher caregivers shall select activities in which children can become individually involved and which meet the children's developmental age and needs for:~~
1. ~~Indoor/outdoor activities;~~
 2. ~~Quiet/active activities;~~
 3. ~~Supervised free choice/teacher directed activities;~~
 4. ~~Individual, small group and large group activities;~~
 5. ~~Small/large muscle development activities; and~~
 6. ~~Meals and snacks.~~
- C.** ~~Teacher caregivers shall develop, post and implement activity or lesson plans which provide an opportunity for each child to:~~
1. ~~Gain a positive self concept;~~
 2. ~~Develop and practice social skills;~~
 3. ~~Think, reason, question, and experiment;~~
 4. ~~Acquire language skills;~~
 5. ~~Develop physical coordination skills;~~
 6. ~~Develop good health, safety, and nutritional habits;~~
 7. ~~Express creativity;~~
 8. ~~Learn to respect cultural diversity of staff and children; and~~
 9. ~~Learn self help skills, and develop a sense of responsibility and independence.~~
- D.** ~~Center personnel shall not at any time endanger the health or safety of the children under their care and shall assure that each child is clean and groomed as necessary after meals and activities.~~
- E.** ~~Daily activity or lesson plans for each group of children at the center shall be maintained in a file at the center and available for review for one year.~~
- F.** ~~Center personnel shall consider the age and needs of the children and the length of time spent in the center when scheduling nap times. During nap times:~~
1. ~~Television shall not be in operation in designated sleeping rooms; and~~
 2. ~~Children shall not be allowed to lie in direct contact with the floor.~~
- G.** ~~When scheduling outdoor play time, personnel shall group children by age and developmental needs to avoid conflicts, overcrowding, and undue competition for materials.~~
- H.** ~~Teacher caregivers shall be knowledgeable of, and able to provide, verbal or written information upon reasonable request about each child's progress in the acquisition of skills, emotional development and new or unusual behavior during daily activities.~~
- I.** ~~Activity restrictions include the following:~~
1. ~~Children shall not be allowed in the kitchen or laundry room except as part of a planned program;~~
 2. ~~Children shall be protected from over exposure to the sun. Shoes must be immediately available if at a swimming pool which is not surrounded by a cool surface/decking; and~~
 3. ~~Written permission shall be obtained from the parent or guardian and filed in the child's record before involving any child in a swimming program.~~
- A.** ~~A licensee shall ensure that:~~
1. ~~The health, safety, or welfare of an enrolled child is not endangered;~~
 2. ~~All designated exits, corridors, and passageways that provide escape from the building are unobstructed and unlocked during hours of operation;~~
 3. ~~Combustible material such as paper, boxes or rags is not permitted to accumulate inside or outside the facility premises;~~
4. Drinking water is provided sufficient for the needs of and accessible to each enrolled child in both indoor and outdoor activity areas;
 5. Activity areas used by children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
 6. Age-appropriate toys, materials, and equipment are provided to enable each child to participate in an activity.
 - a. Toys, materials, and equipment are maintained in a clean condition.
 - b. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
 7. Clean clothing is available to a child when a child needs a change of clothing;
 8. If a high chair is used by a staff member for feeding a child:
 - a. The high chair is equipped with a safety strap;
 - b. The high chair is constructed to prevent toppling;
 - c. The tray or feeding surface of the high chair is smooth and free of cracks; and
 - d. The staff member:
 - i. Fastens the safety strap while a child is in the high chair; and
 - ii. Sanitizes the tray or feeding surface before each child's use;
 9. The facility conforms to the standards prescribed in R9-5-511 and the following for a child who will be present at the facility during evening and nighttime hours:
 - a. Permit a mat only when used on top of a cot;
 - b. Before bathing a child at a facility, obtain written consent and bathing instructions from a parent and follow the instructions while bathing the child;
 - c. Require that a staff member clean and sanitize a bathtub or shower stall after bathing each child;
 - d. Require that a staff member remain awake while supervising a sleeping child; and
 - e. Prohibit operation of a television set in a room where a child is sleeping.
 10. The facility conforms to the standards prescribed in R9-5-511 and the following for naptime:
 - a. An activity area is equipped with at least 1 cot or mat, a sheet, and a blanket, where a child can be separated from other children for quiet time and naps;
 - b. A child is not permitted to lie in direct contact with the floor while napping;
 - c. A television set is not operated in a room in which a child is napping;
 - d. Naptime accommodations are available for an enrolled school-age child if requested by the child or a parent;
 - e. Light is provided in naptime areas for observing a sleeping child; and
 - f. An attic or loft is not used for naptime;
 11. Written permission is obtained from a child's parent before allowing the child to participate in a swimming activity;
 12. Outdoor activities are scheduled to allow not less than 75 square feet for each child occupying the facility's outdoor activity area at any time;
 13. The facility's buildings, premises, and indoor and outdoor play equipment are maintained in good repair and free from hazards;
 14. The facility conforms to the following heating and cooling standards:
 - a. Temperatures are maintained between 68° F and 82°

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- b. F in each room used by children;
 - b. Heating and cooling equipment is inaccessible to children;
 - c. Fans are mounted and inaccessible to children;
 - d. An unvented or open-flame space heater or portable heater is not used on the facility premises; and
 - e. A gas valve on an unused gas outlet is removed and capped where it emerges from the wall or floor;
 - 15. The facility conforms to the following lighting and electrical standards:
 - a. Except when a child is napping or sleeping, each room used by enrolled children is maintained at a minimum of 30 foot candles of illumination;
 - b. Each unused electrical outlet is covered with a safety plug cover or insert;
 - c. Crockpots and hot plates are used only in a kitchen and are inaccessible to children; and
 - d. Electrical extension cords are not used;
 - 16. The facility conforms to the following toilet room standards:
 - a. Plumbing fixtures are maintained in a clean and working condition;
 - b. Chipped or cracked sinks and toilets are replaced or repaired;
 - c. Toilet rooms are ventilated to the outside of the building, either by a screened window open to the outside air or by an exhaust fan and duct system that is operated when the toilet room is in use;
 - d. A toilet room with a door that opens to the exterior of a building is equipped with a self-closing device that keeps the door closed except when an individual is entering or exiting; and
 - e. A toilet room door does not exit into a kitchen;
 - 17. Storage space is provided in the facility for cots, mats, sheets, and blankets accessible to an area used for nap-time or sleeping and separate from food service and preparation, toilet rooms, and laundry rooms;
 - 18. Each child's toothbrush, comb, washcloth, cloth towel, and clothing is maintained in a clean condition and stored in an identified space separate from those of other children;
 - 19. All materials and chemicals labeled as a toxic or flammable substance are stored in an area inaccessible to children that is locked with a key or combination lock and is separate from food storage areas;
 - 20. All substances that have a child warning label are inaccessible to children and stored separately from food storage areas; and
 - 21. Garden tools, lawn mowers, ladders, and other facility equipment presenting a hazard to children are stored in an area inaccessible to children
- B. A licensee shall ensure that a staff member:**
- 1. Supervises enrolled children at all times;
 - 2. Reports any suspected or alleged child abuse or neglect according to procedures prescribed in R9-5-307;
 - 3. Does not smoke or use tobacco on facility premises;
 - 4. Cleans each enrolled child before and after each meal and changes a child's clothing when wet or soiled;
 - 5. Prepares and posts in each activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
 - a. Meals and snacks;
 - b. Naps;
 - c. Indoor and outdoor activities;
 - d. Quiet and active activities;
 - e. Teacher-directed activities;
 - f. Self-directed activities;
 - g. Activities for individuals, groups of 5 or fewer children, and groups of 6 or more children; and
 - h. Activities that develop small and large muscles;
- 6. Prepares and posts a dated lesson plan in each activity area for each calendar week which is maintained on facility premises for 12 months from the lesson plan date and provides opportunities for each child to:
 - a. Gain a positive self-concept;
 - b. Develop and practice social skills;
 - c. Think, reason, question, and experiment;
 - d. Acquire language skills;
 - e. Develop physical coordination skills;
 - f. Develop habits that meet health, safety, and nutritional needs;
 - g. Express creativity;
 - h. Learn to respect cultural diversity of children and staff;
 - i. Learn self-help skills; and
 - j. Develop a sense of responsibility and independence;
 - 7. Does the following when a parent permits or asks a staff member to use external personal products for a child, such as petroleum jelly, diaper rash ointments, and baby diapering preparations:
 - a. Obtains the child's personal products from the parent or, if the licensee provides the personal products for use by the child, obtains written approval for use of the products from the parent;
 - b. Labels the personal products with the child's first and last name; and
 - c. Keeps the personal products inaccessible to children;
 - 8. Places a child's wet or soiled laundry in a plastic bag labeled with the child's name, stores the laundry in a container covered with a tight fitting lid, and sends the laundry home with the parent; and
 - 9. Monitors a child for overheating or overexposure to the sun. If a child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403 (E) shall evaluate and treat the child.
- R9-5-502. Supplemental program standards for infants**
Supplemental Standards for Infants
In addition to requirements specified in R9-5-501, centers providing infant care shall comply with the following:
- 1. The center shall provide a list showing each infant's name and the assigned teacher-caregiver. The list shall be posted in the infant room.
 - 2. The teacher-caregiver shall provide consistent, individualized care to each infant, as evidenced by:
 - a. Responding promptly to the infant's distress signals and need for comfort;
 - b. Playing with and talking to the infant;
 - c. Holding and rocking the infant and conducting the other everyday infant care activities;
 - d. Providing adequate, appropriate, and nutritious foods conducive to the infant's optimum growth and development;
 - e. Establishing a consistent daily routine;
 - f. Providing a variety of age-appropriate activities and learning materials; and
 - g. Allowing the infant a balance of quiet and active periods.
 - 3. Each infant shall have time and space both indoors and outdoors to play and explore in a safe and unobstructed area.

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4. ~~An infant who is awake shall not spend more than one hour of consecutive time confined in a crib, playpen, swing, highchair, or other restricting equipment.~~
5. ~~Teacher-caregivers shall provide infants with a variety of age-appropriate toys, sights, sounds and textures suitable to their level of development.~~
 - a. ~~The variety shall include at least the following: toys for stacking, pulling and grasping, soft toys, books, mobiles and unbreakable mirrors.~~
 - b. ~~The quantity of toys to be provided shall be at least three times as great as the number of infants in attendance.~~
6. ~~Each infant shall be allowed to maintain his own pattern of sleeping and waking.~~
7. ~~Teacher-caregivers shall never place a child directly on a waterproof mattress cover.~~
8. ~~Each child's diaper shall be changed as soon as soiled.~~
 - a. ~~When changing diapers, the child shall be washed and dried using the child's individual toilet accessories.~~
 - b. ~~If cloth diapers are used, they shall be emptied but not rinsed in a toilet fixture as soon as possible, placed in individual plastic bags and stored in a covered container out of reach of children.~~
 - c. ~~Personnel shall wash their hands immediately before and after each diaper change.~~
9. ~~The teacher-caregiver assigned to infant care shall keep a daily written log of significant information about each infant. The log shall be kept in the infant care room and the information shall be relayed to the children's parents.~~
10. ~~Infants shall be separated from older children except as defined in R9-5-404(I).~~
- A. ~~In addition to complying with all child care standards, a licensee providing child care services for infants shall:~~
 1. ~~Separate infants from children older than 12 months of age. Within 24 months from the effective date of these rules, a facility shall provide a wall enclosed room that provides exits required by R9-5-602(A) to separate infants from children older than 12 months of age;~~
 2. ~~Post a list in each infant room stating each infant's name and assigned staff member;~~
 3. ~~Provide active and quiet activities;~~
 4. ~~Provide indoor and outdoor activities;~~
 5. ~~Permit an infant to maintain an established pattern of sleeping and waking;~~
 6. ~~Provide an outdoor activity area that is scheduled for use by infants when children older than infants are not present;~~
 7. ~~Provide space, materials, and equipment in an infant room that includes the following:~~
 - a. ~~An area with nonabrasive carpeting for sitting, crawling and playing;~~
 - b. ~~Toys, materials, and equipment in a quantity at least 3 times greater than the number of infants in attendance and that include:~~
 - i. ~~Toys for stacking, pulling, and grasping;~~
 - ii. ~~Soft toys;~~
 - iii. ~~Books;~~
 - iv. ~~Mobiles;~~
 - v. ~~Unbreakable mirrors; and~~
 - vi. ~~Outdoor play equipment; and~~
 - c. ~~At least 1 adult-size chair for staff members' use when holding or feeding an infant;~~
 8. ~~Provide a crib for each infant that:~~
 - a. ~~Has bars or openings spaced no more than 2-3/8 inches apart and a crib mattress measured to fit not more than 1/2 inch from the crib side;~~
 - b. ~~Has a commercially waterproofed mattress; and~~
 - c. ~~Is furnished with clean, sanitized, crib-size bedding, including a fitted sheet and a blanket.~~
9. ~~Prohibit the use of stacked cribs; and~~
10. ~~Arrange the cribs to maintain a minimum spacing between cribs that is not less than 2 feet on any crib side that has bars or other openings, except when:~~
 - a. ~~A crib side with bars is next to a wall; or~~
 - b. ~~A crib end does not have bars and the cribs are placed end to end.~~
- B. ~~A licensee providing child care services for infants shall not:~~
 1. ~~Allow an infant room to be used as a passageway to another area of the facility;~~
 2. ~~Permit an infant who is awake to remain for more than consecutive 30 minutes in a crib, playpen, swing, high chair, infant seat, or other equipment that confines movement; or~~
 3. ~~Permit a child to use a walker, except a child with special needs for whom a walker is prescribed by a health care provider.~~
- C. ~~A licensee shall ensure that:~~
 1. ~~A staff member assigned to infants in an infant room:~~
 - a. ~~Plays and talks with each infant;~~
 - b. ~~Holds and rocks each infant;~~
 - c. ~~Responds immediately to each infant's distress signals;~~
 - d. ~~Keeps a dated, daily, written record of each infant's activities, food consumption, diaper changes, and accidents while the infant is in the facility, and maintains the record on facility premises for 2 months from the record date. A staff member shall provide a copy of this record to the infant's parent upon request;~~
 - e. ~~Removes soft pillows and toys from a crib when an infant is sleeping;~~
 - f. ~~Cleans and sanitizes each crib and mattress used by an infant when soiled;~~
 - g. ~~Changes the crib sheets and blankets before use by another child, when soiled, or at least every 24 hours; and~~
 - h. ~~Cleans and sanitizes all sheets and blankets before use by another child.~~
 2. ~~A staff member assigned to an infant in an infant room does not:~~
 - a. ~~Place a child directly on a waterproof mattress cover;~~
 - b. ~~Restrain a child in a crib or other restrictive equipment; or~~
 - c. ~~Place a child in a crib or other equipment that confines movement for disciplinary reasons.~~
 3. ~~Before feeding an infant, a staff member:~~
 - a. ~~Obtains dated, written instructions from a parent or health care provider regarding the method of feeding and types of foods to be prepared or fed to an infant at the facility;~~
 - b. ~~Updates the written instructions as foods or methods are added or changed;~~
 - c. ~~Posts the current written instructions in the kitchen and infant room and maintains the instructions on facility premises for 2 months from the date of the instructions; and~~
 - d. ~~Follows the current written instructions of a parent when feeding the infant.~~
 4. ~~When preparing, using, or caring for an infant's feeding bottles, a staff member:~~

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- a. Labels each bottle received from the parent with the child's first and last name;
 - b. Ensures that a bottle is not:
 - i. Heated in a microwave oven,
 - ii. Propped for an infant feeding, or
 - iii. Permitted in an infant's crib unless the written instructions required by subsection (C)(3) state otherwise;
 - c. Empties and rinses bottles previously used by an infant; and
 - d. Cleans and sanitizes using heat only, a bottle, bottle cover, and nipple before reuse.
5. When feeding an infant, a staff member:
- a. Provides an infant with food for growth and development that includes:
 - i. Formula provided by a parent or the licensee that is prepared and stored in a sanitary manner at the facility, following written instructions required by subsection (C)(3);
 - ii. Cereal as requested by a parent or health care provider. A staff member shall not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless the written instructions required by subsection (C)(3) state otherwise; and
 - iii. Solid foods as requested by a parent. A staff member shall feed solid food to an infant by spoon from an individual container. A separate container and spoon shall be used for each infant;
 - b. Holds and feeds an infant under 6 months of age and an infant older than 6 months of age who cannot hold a bottle for feeding; and
 - c. If an infant is no longer being held for feeding, seats the infant in a high chair or at a table with a chair that allows the child to reach the food while sitting.

R9-5-503. Supplemental program standards for one- and two-year-old children Standards for Diaper Changing

~~In addition to requirements specified in R9-5-501, centers providing care to one- and two-year-old children shall comply with the following:~~

- ~~1. Center personnel shall provide personal attention to, and contact with, each child by holding and talking to the child and taking the child for walks inside the center premises.~~
 - ~~2. A one- or two-year-old child who is awake shall not spend more than one hour of consecutive time confined in a crib, highchair, playpen, or other confining equipment.~~
 - ~~3. One- and two-year-old children shall have outdoor play time in the area that safely separates them from older children. Developmentally appropriate outdoor play equipment shall be available.~~
 - ~~4. Each child shall be allowed to maintain his own pattern of sleep and waking periods. Special provision shall be made so that children who require nap time have a separate sleeping area which is apart from space used for play.~~
 - ~~5. The center shall consult with each child's parent or guardian to develop a mutual plan regarding individual toilet training of the child and shall not force toilet training on any child.~~
- A. A licensee shall provide a diaper changing area in each activity area as required in R9-5-602(C) that consists of:
1. A nonabsorbent, sanitizable diaper changing surface that is:
 - a. Seamless and smooth; and
 - b. Kept clear of items not required for diaper changing;

2. A hand washing sink adjacent to the diaper changing surface for staff use when changing diapers and for washing a child during or after diapering, that provides:
 - a. Running water,
 - b. Antibacterial soap from a dispenser, and
 - c. Single-use paper hand towels from a dispenser; and
 3. At least 2 waterproof, sanitizable containers with waterproof liners and tight fitting lids. Separate containers shall be used for soiled diapers and soiled clothing. A licensee shall ensure that:
 - a. The containers are inaccessible to children;
 - b. A staff member:
 - i. Empties clothing soiled with feces into a flush toilet without rinsing;
 - ii. Places clothing soiled by feces or urine in a plastic bag labeled with a child's name, stores the clothing in a container used for this purpose, and sends the clothing home with the child's parent; and
 - iii. Removes disposable diapers and disposable training pants from a diaper changing area as needed or at least twice every 24 hours to a waste receptacle outside the facility building.
- B. A licensee shall ensure that a staff member does not:
1. Permit a bottle, formula, food, eating utensil, or food preparation in a diaper changing area;
 2. Draw water for human consumption from a diaper changing area sink; or
 3. If responsible for food preparation, change diapers until food preparation duties have been completed for the day.
- C. A licensee shall ensure that a written diaper changing procedure is posted and implemented in each diaper changing area. The procedure shall state that a child's diaper shall be changed as soon as it is soiled, and that a staff member, when diapering, shall:
1. Use a separate wash cloth and towel only once for each child;
 2. Wash and dry a child using the child's individual personal products labeled with the child's first and last name;
 3. Use single-use disposable latex gloves;
 4. Wash his or her own hands with antibacterial soap and running water before and after each diaper change;
 5. Wash each child's hands with antibacterial soap and running water after each diaper change;
 6. Clean, sanitize, and dry the diaper changing surface following each diaper change; and
 7. Use single-use paper towels from a dispenser to dry the diaper changing surface or the hands of a child or staff member.
- D. A licensee shall ensure that a staff member:
1. Keeps a dated log for each calendar day in each diaper changing area, listing each time the child's diaper has been changed; and
 2. Maintains the diaper changing log on facility premises for 2 months from the date of the log.

R9-5-504. Supplemental program standards for school-age children Supplemental Standards for 1-year-old and 2-year-old Children

~~In addition to requirements specified in R9-5-501, centers providing care for school-age children shall comply with the following:~~

- ~~1. When school-age children are present, their indoor activity area space shall be separated from space provided for infants and one-year-old children.~~
- ~~2. The center shall provide program activities which offer school-age children an opportunity to meet their individ-~~

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ual developmental, educational, social and privacy needs. Program activities shall include:

- a. Recreation;
 - b. Individual and group participation activities;
 - c. Activities to develop leadership skills and assume responsibility; and
 - d. Relaxation.
3. The program shall allow children to participate in activities on a free choice basis.
4. The center shall provide outdoor play activities appropriate for school-age children. Developmentally appropriate outdoor play equipment and open spaces for running and games shall also be provided.
5. The center shall assure that children attending school-age care programs are accompanied by center personnel to and from school, and at bus stops unless requirements of R9-5-308(E) are met.

In addition to complying with all child care standards, a licensee providing child care services for 1-year-old and 2-year-old children shall:

1. Ensure that a staff member does not permit a 1-year-old or 2-year-old child who is awake to spend more than 30 minutes of consecutive time in a crib, high chair, playpen, or other place of confinement;
2. Consult with each child's parent to develop a mutual plan for individual toilet training of the child and ensure that a staff member does not force toilet training on any child;
3. Ensure that each activity area has a supply of age-appropriate toys, materials, and equipment in a quantity at least 3 times greater than the number of children in attendance.
 - a. Toys, materials, and equipment include:
 - i. Books, including cloth books;
 - ii. Rubber or soft plastic balls;
 - iii. Puzzles and toys to enhance manipulative skills;
 - iv. Unit blocks;
 - v. Washable soft toys, stuffed animals, and dolls;
 - vi. Musical instruments; and
 - vii. Indoor and outdoor equipment to enhance large muscle development;
 - b. Toys, materials, and equipment are:
 - i. Too large for a child to swallow; and
 - ii. Free of sharp edges and points;
4. Ensure that:
 - a. If finger food is served, the food is of a size and texture that does not present a choking hazard;
 - b. A staff member serves food to a child in a high chair or at a table with a chair that allows the child to reach the food while sitting; and
 - c. If a child is fed with a bottle, a staff member complies with the requirements set forth in R9-5-502(C)(4).

R9-5-505. Field trips Supplemental Standards for 3-year-old, 4-year-old and 5-year-old Children

- A. The center shall obtain written permission from the parent or guardian in advance of the child's participation in a field trip. The field trip permission notice shall provide details of the trip including the purpose of the field trip, time of departure and arrival at the center, and the address of the trip destination.
- B. A written trip plan shall remain at the center which includes the following:
1. List of children and adults on the trip;
 2. Departure and return times;
 3. Vehicle license plate numbers;
 4. Name, address and, when possible, phone number of destination; and

5. Information about any requirements for children to participate in the planned activity at the trip destination.

- C. Records of emergency information for children participating in the field trip shall be taken on all field trips.
- D. A list of children participating in the field trip shall be taken on the trip and also left at the center. Personnel on the field trip shall compare the list to children at the following times:
1. Boarding the vehicle at the beginning of the trip;
 2. Each hour at the trip's destination; and
 3. Boarding the vehicle to return to the center.
- E. Sufficient water or appropriate drinks shall be available for the entire trip.
- F. Each child shall have on his person, in plain view, the center's name, address and telephone number. The child's first and last name shall be placed inconspicuously on his person.
- G. If volunteer vehicles are used for field trips, the center shall determine that each volunteer vehicle and driver comply with R9-5-522(1) and (2) before the trip begins.

In addition to complying with all child care standards, a licensee providing child care services for 3-year-old, 4-year-old, and 5-year-old children shall provide a supply of age-appropriate toys, materials, and equipment in each activity area in a quantity at least 3 times greater than the number of children in attendance. Toys, materials, and equipment shall include:

1. Art supplies,
2. Unit blocks,
3. Books and posters,
4. Toys and dress-up clothes,
5. Indoor and outdoor equipment to enhance large muscle development,
6. Puzzles and toys to enhance manipulative and categorization skills,
7. Science materials, and
8. Musical instruments.

R9-5-506. General equipment standards Supplemental Standards for School-age Children

A. Educational materials and equipment:

1. Educational materials shall be available for all children. Such materials shall stimulate curiosity, offer social experiences, encourage cooperative play and develop physical coordination.
2. Equipment, toys and materials of a variety in size and design appropriate to the children's developmental needs shall be provided for both indoor and outdoor activities and play.
3. Each center shall have sufficient play materials and equipment so that at any one time, each child for which the center is licensed can be individually involved in the activities outlined in the lesson plan.
4. All equipment, toys and materials shall be washable, maintained in a clean, safe and usable condition, and disinfected as necessary.

B. Sleeping materials and equipment:

1. There shall be a separate cot, floor mat, or crib for each child who needs to nap or rest. Bunk beds are not permitted.
2. Cots and cribs shall be of sound construction, shall be of sufficient size to comfortably accommodate the size and weight of the child, and shall be kept clean and in good repair.
3. Mats shall be covered with waterproof material and used only in rooms where close contact with the floor will not present a draft or dust problem.
4. Rugs, carpets, blankets and towels shall not be used as mats.

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5. Each cot or floor mat shall be completely covered with a clean sheet or similar covering which shall be laundered weekly, or more frequently as needed. Coverings shall always be freshly laundered before use by another child.
 6. A clean blanket shall be provided for each child.
 7. Where a private home is used as a center, beds used by family members shall not be used by a child in attendance at the center.
- C. Other equipment:**
1. Highchairs shall be equipped with a safety strap and constructed so that the chair will not topple. The Department may waive the safety strap requirement if the design and construction of the chair is such that a safety strap is not needed. The tray or feeding surface shall be smooth, free of cracks, and shall be sanitized prior to each use.
 2. When a center is located in a multiple-use building, the center shall use and store cookware and serving tableware separately from all other building cooking supplies and food service equipment.
- A. In addition to complying with all child care standards, a licensee providing child care services for school-age children shall:**
1. Unless a child has permission from a parent for self-release from a facility as prescribed in R9-5-306(A)(4), require that a staff member accompany and supervise a child in a school-age program while en route to and from:
 - a. The school attended by the child; or
 - b. The bus stop used by the child. A staff member shall remain with the child at the bus stop until the child boards the bus; and
 2. Require a staff member to supervise a school-age child while en route to and from a bathroom and allow the child privacy while in the bathroom. If a child remains in the bathroom for more than 3 minutes, the supervising staff member shall check on the child to ensure the child's safety.
- B. A licensee shall separate an indoor activity area for school-age children from an indoor activity area provided for infants or 1-year-old children.**
- C. A licensee shall provide age-appropriate toys, materials, and equipment including:**
1. Arts and crafts,
 2. Games,
 3. Puzzles and toys to enhance manipulative skills,
 4. Books,
 5. Science materials,
 6. Sports equipment, and
 7. Outdoor play equipment.
- D. A licensee shall provide school-age children with a quiet study area.**
- R9-5-507. Supplemental equipment standards for infants**
Supplemental Standards for Children with Special Needs
In addition to requirements specified in R9-5-506, centers providing infant care shall comply with the following:
1. A sturdy adult size chair, preferably a rocking chair, shall be provided in the infant room for personnel to use when holding and feeding infants.
 2. A crib of sturdy construction with bars spaced no more than 2-3/8 inches apart shall be available for each infant. Stacked cribs are not permitted.
 3. Crib mattresses shall be completely and tightly covered with waterproof material. If plastic materials are used, they shall be durable and safe for children.
 4. There shall be no restraining devices of any type used in cribs.
5. Each crib shall have clean, individual crib-size bedding, including sheets and a blanket which are in good repair.
 6. Each crib and mattress shall be cleaned and bedding changed daily, or more often if necessary, and always upon a change of occupant.
- A. In addition to complying with all child care standards, a licensee providing child care services for a child with special needs shall:**
1. Upon enrollment of a child with special needs, obtain from the child's parent a copy of an existing individualized plan for the child that can be reviewed, adopted, and followed by the licensee when providing child care services to the child. An individualized plan shall include the following as needed for the child:
 - a. Medication schedule;
 - b. Nutrition and feeding instructions;
 - c. Qualifications required of a staff member who feeds the child;
 - d. Medical equipment or adaptive devices;
 - e. Medical emergency instructions;
 - f. Toileting and personal hygiene instructions;
 - g. Specific child care services to be provided to the child at the facility;
 - h. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy; and
 - i. Training required of a staff member to care for the child's special needs;
 2. If a child with special needs does not have an existing individualized plan, obtain from the child's parent written instructions for providing services to the child until a written individualized plan containing the information in subsection (A)(1) is developed by a team consisting of staff members, the child's parent, and health care providers. An individualized plan shall be completed within 30 calendar days of the child's enrollment;
 3. Maintain a child's current individualized plan on facility premises and provide a copy to the child's parent;
 4. Ensure the individualized plan is updated at least every 12 months from the date of the initial plan or as changes occur; and
 5. Ensure that a lesson plan specifies the means for integrating a child with special needs into the activities of the facility.
- B. If a child with special needs who is 18 months of age or older and does not walk is placed in an infant group, a licensee may move the child to a 1-year-old group after a parent and the licensee determine that the proposed move is developmentally appropriate.**
- C. A licensee shall ensure that a staff member does not prepare formula for tube-feeding a child. All formula for tube-feeding shall be commercially prepackaged in a ready-to-use state or brought by a parent to the facility in an unbreakable container. The feeding and clearing of a child's feeding apparatus shall be performed by a staff member instructed by a parent or individual designated by a parent.**
- D. A licensee shall provide a child with special needs with:**
1. Developmentally appropriate toys, materials, and equipment; and
 2. Assistance from staff members to enable the child to participate in the activities of the facility.
- E. In addition to complying with the transportation requirements in R9-5-517, a licensee transporting a child with special needs in a wheelchair in a facility's motor vehicle shall ensure that:**
1. The child's wheelchair is secured in the motor vehicle using a minimum of 4 anchorages attached to the motor

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vehicle floor, and 4 securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;

2. The child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
3. The child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the child in the wheelchair or passage to the front and rear in the motor vehicle.

E. A licensee providing child care services for a child who uses a wheelchair or is not able to walk shall locate the child on the ground floor of the facility.

R9-5-508. Supplemental equipment standards for one- and two-year-old children General Nutrition Standards

In addition to requirements specified in R9-5-506, centers providing care for one- and two-year-old children shall comply with the following:

1. Age-appropriate materials and equipment shall include:
 - a. Books, including some cloth books;
 - b. Medium size rubber or soft plastic balls;
 - c. Manipulative toys;
 - d. Blocks and block accessories;
 - e. Washable soft toys, stuffed animals and dolls;
 - f. Large muscle equipment; and

g. Musical instruments;

2. Toys to be used by one- and two-year-old children, shall be durable, easily cleaned, movable, nontoxic, too large to swallow and have no sharp pieces, edges or points. Toys shall be inspected frequently and regularly to ensure they are not hazardous.
 3. If cribs are used they shall comply with the requirements as listed in R9-5-507.
- A. A licensee shall prepare and serve foods according to Table A "Meal Pattern Requirements".
 - B. A licensee shall plan and serve meals that:
 1. Meet the age-appropriate nutritional requirements of a child; and
 2. For each calendar week, provide a variety of foods within each food group from the meal pattern requirements.
 - C. A licensee shall maintain at least 1 calendar day's supply of food needed to serve meals and snacks as required by R9-5-508(A) to each child attending the facility;
 - D. For 12 months from the dates on the following documents, a licensee shall maintain on facility premises food purchase logs, food receipts, or food records verifying that the types and quantities of food purchased, prepared, and served to enrolled children meet the requirements of subsection (A).
 - E. In addition to the required daily servings of food stated in subsection (A), a licensee shall make second servings of food available to each child at meals and at snack time.

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Table A. Meal Pattern Requirements for Children

MEAL PATTERN REQUIREMENTS FOR CHILDREN

Food Components	Ages 1 through 2 years	Ages 3 through 5 years	Ages 6 and Older
Breakfast:			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Vegetable, fruit, or full-strength juice	1/4 cup	1/2 cup	1/2 cup
3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains	1/2 slice 1/2 serving 1/4 cup or 1/3 oz 1/4 cup	1/2 slice 1/2 serving 1/3 cup or 1/2 oz 1/4 cup	1 slice 1 serving 3/4 cup or 1 oz 1/2 cup
Lunch or Supper:			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Vegetable and/or fruit (2 or more kinds)	1/4 cup total	1/2 cup total	3/4 cup total
3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cooked cereal, pasta, noodle products, or cereal grains	1/2 slice 1/2 serving 1/4 cup	1/2 slice 1/2 serving 1/4 cup	1 slice 1 serving 1/2 cup
4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter or other nut or seed butters or peanuts, soy nuts, tree nuts or seeds or an equivalent quantity of any combination of the above meat/meat alternates	1 oz 1 oz 1 egg 1/4 cup 1 tbsp** 1/2 oz**	1 1/2 oz 1 1/2 oz 1 egg 3/8 cup 1 1/2 tbsp** 3/4 oz**	2 oz 2 oz 1 egg 1/2 cup 2 tbsp** 1 oz**
Snack: (select 2 of these 4 components)***			
1. Milk, fluid	1/2 cup	1/2 cup	1 cup
2. Vegetable, fruit, or full-strength juice	1/2 cup	1/2 cup	3/4 cup
3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains	1/2 slice 1/2 serving 1/3 cup or 1/2 oz 1/4 cup	1/2 slice 1/2 serving 1/3 cup or 1/2 oz 1/4 cup	1 slice 1 serving 3/4 cup or 1 oz 1/2 cup
4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or yogurt or cooked dry beans or peas* or peanut butter, soy nut butter or other nut or seed butters or peanuts, soy nuts, tree nuts or seeds or an equivalent quantity of any combination of the above meat/meat alternates	1/2 oz 1/2 oz 1/2 egg or 1/4 c 1/8 cup 1 tbsp 1/2 oz	1/2 oz 1/2 oz 1/2 egg or 1/4 c 1/8 cup 1 tbsp 1/2 oz	1 oz 1 oz 1 egg or 1/2 c 1/4 cup 2 tbsp 1 oz

* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.

** At lunch and supper, no more than 50 % of the requirement shall be met with nuts, seeds or nut butters. Nuts, seeds or nut butters shall be combined with another meat/meat alternative to fulfill the requirement. 2 tablespoons of nut butter or 1 ounce of nuts or seeds equals 1 ounce of meat.

*** Juice may not be served when milk is served as the only other component.

R9-5-509. Supplemental equipment standards for three-, four- and five-year-old children General Food Service and Food Handling Standards

In addition to requirements specified in R9-5-506, centers providing care for three-, four- and five-year-old children shall provide age-appropriate play materials and equipment including:

1. Art supplies;

2. Blocks and block-accessories;
3. Books and posters;
4. Dramatic play areas with toys and dress-up clothes;
5. Large muscle equipment;
6. Manipulative toys;
7. Science materials; and
8. Musical instruments.

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- A. A licensee that serves food to enrolled children on the facility premises shall comply with A.A.C. R9-8-111 through R9-8-135, local ordinances, and requirements of the local health department where the facility is located.
1. A licensee shall maintain a copy of a permit issued as prescribed in A.A.C. R9-8-119 on facility premises.
 2. If a licensee contracts with a food service establishment defined in A.A.C. R9-8-112(13), to prepare and deliver food to the facility, the licensee shall obtain and provide the Department with a copy of the food service establishment's permit, issued as prescribed by A.A.C. R9-8-119, at the following times:
 - a. Before the Department issues a license to the facility;
 - b. Upon contracting with the food service establishment; and
 - c. Every 12 months from the date the food service contract is entered into while the contract is in effect.
- B. A licensee that stores, displays, transports, prepares, or serves food shall:
1. Protect food from contamination;
 2. Prohibit storage of food in a bathroom;
 3. Store perishable foods requiring cold storage in a refrigeration unit at temperatures that do not exceed 45° F or freezer at temperatures that do not exceed 32° F. Each refrigeration unit or freezer shall be fitted with a numerically scaled thermometer to measure the inside air temperature;
 4. Maintain perishable foods requiring hot storage at a temperature of at least 140°F, except during food preparation; and
 5. Provide a metal, stem-type, numerically scaled thermometer to measure the temperatures of foods.
- C. A licensee shall ensure that a utensil, container, surface, or appliance used for eating, drinking, or food preparation is clean. All single-service articles as defined in A.A.C. R9-8-112(30) shall be disposed of after each use.
- D. If a facility prepares food at the facility but is not required to obtain a permit as prescribed in R9-8-119, the licensee shall provide a 3-compartment sink and a separate hand washing sink in each room where foods are prepared or utensils used for food preparation are washed.
1. Each sink shall provide running water capable of maintaining temperatures between 100° F and 160° F.
 2. The licensee shall provide antibacterial soap and single-use paper hand towels adjacent to the sinks.
- E. A licensee shall provide a utility sink, separate from the sinks required in subsection (D) and used only for cleaning purposes, at the facility.
- F. A licensee shall ensure that staff members wash their hands with antibacterial soap and running water before preparing or serving food or washing utensils.
- G. When a staff member serves milk, vegetable juice, or fruit juice provided for a child either by a parent or a licensee, the licensee shall ensure that the staff member:
1. Serves fresh milk from a commercially filled container and does not return an unused portion to a commercial container. This rule supersedes A.A.C. R9-8-132(F)(2);
 2. Does not substitute fresh milk with dry milk that has been reconstituted;
 3. Does not replace fresh milk with any other food in the meal pattern requirement; and
 4. Serves 100 % full-strength fruit or vegetable juices.
- H. A licensee shall require that each child being served food:
1. Washes hands with antibacterial soap and running water before handling or eating food.
 - a. A staff member may use a washcloth to wash the hands of an infant or a child with special needs; and
 - b. To reduce the transfer of bacteria, a washcloth shall be used only once for an infant or a child with special needs;
2. Is not served or permitted to eat directly off the floor or ground or with utensils placed directly on the floor or ground;
 3. Is encouraged but not forced by a staff member to eat foods served at a facility;
 4. Is assisted in eating when necessary; and
 5. Is taught self-feeding skills and habits of good nutrition.
- I. Before the facility's first food service of the calendar week, a licensee shall ensure a dated menu specifying foods to be served on each day the facility is operating during the calendar week is posted in the facility.
1. If a licensee serves a substitution for a food specified on the posted menu, the substitution shall be noted on the posted menu before the facility's first food service of the day.
 2. A licensee shall maintain a menu on facility premises for 12 months from the date of the menu.
- J. A licensee shall make the following meals available:
1. Breakfast to an enrolled child who is present at a facility before 8 a.m.,
 2. Lunch to an enrolled child who is present at a facility between 11 a.m. and 1 p.m., and
 3. Dinner to an enrolled child who is present between 5 p.m. and 7 p.m. and who will remain at the facility after 7 p.m.
- K. A licensee shall serve the following meals or snacks to an enrolled child present at a facility for the following periods of time:
1. If an enrolled child is present 2 to 4 hours, 1 or more snacks. If an enrolled child is present during any of the meal times stated in subsection (J), a meal that meets the meal pattern requirements in R9-5-508(A);
 2. If an enrolled child is present 4 to 8 hours, 1 or more snacks and a meal;
 3. If an enrolled child is present 9 or more hours, 2 snacks and 1 or more meals; and
 4. Before bedtime, 1 snack.
- L. When a parent provides specific dietary instructions for a child, a licensee shall post the instructions in the kitchen and the child's activity area and serve the child foods as instructed.
- M. A licensee shall not permit children in a kitchen during food preparation and food service except as part of an activity.
- N. A licensee shall not allow a food preparation or food storage area to be used as a passageway by children.
- R9-5-510. Supplemental equipment standards for school-age children Discipline and Guidance**
In addition to requirements specified in R9-5-506, centers providing care for school-age children shall provide age-appropriate play materials and equipment including:
1. Arts and crafts;
 2. Games;
 3. Sports equipment;
 4. Books;
 5. Science materials; and
 6. Manipulative toys.
- A. A licensee shall ensure that a staff member:
1. Defines and maintains consistent, reasonable rules and limitations for a child's behavior and teaches, models, and encourages orderly conduct, personal control, and age-appropriate behavior;

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2. Explains to a child why a particular behavior is not allowed, suggests an alternative, and assists the child to become engaged in an alternative activity; and
 3. After determining that a child's behavior may result in harm to self or others, holds the child until the child regains control or composure.
- B.** A licensee shall ensure that a staff member does not use or permit:
1. A method of discipline that could cause harm to the health, safety, or welfare of a child;
 2. Corporal punishment;
 3. Discipline associated with:
 - a. Eating, napping, sleeping, or toileting;
 - b. Medication; or
 - c. Mechanical restraint; or
 4. Discipline administered to any child by another child.
- C.** A licensee may allow a staff member to separate a child from other children for unacceptable age-appropriate behavior.
1. The separation period shall be for no longer than 3 minutes after the child has regained control or composure.
 2. A staff member shall not allow a child to be separated for longer than 10 minutes without the staff member interacting with the child.

R9-5-511. General nutrition standards Sleeping Materials and Equipment

- A.** The center shall serve foods which meet the following standards:
1. Age-appropriate nutrition requirements;
 2. Provide a variety of foods served within each food group;
 3. Adhere to current dietary recommendations for sugar, salt and fat intake.
- B.** The center shall maintain a one-day supply of perishables and a three-day supply of staples to meet emergency situations.
- C.** The center shall be able to verify that quantities of food purchased, prepared, and served meet minimum nutritional requirements. The Federal Child Care Food Program production sheets or standardized recipes, menus, food receipts and purchasing logs, as well as on-site observation shall be used for verification.
- D.** Second servings of nutritious foods shall be made available to children over and above the required daily minimums if not contraindicated.
- E.** Minimum meal components and serving sizes to meet calorie and nutrient requirements for various ages of children, as established by the National Research Council Recommended Daily Allowances (RDA), shall be as prescribed in the following table:

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TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN

Food Component	Ages 1-3	Ages 3-6	Ages 6-15
Breakfast			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. Vegetables/fruits or Juice (full-strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)
3. Bread or biscuits, Rolls, muffins, etc. or Cold dry cereal or Cooked cereal or grains or Cooked pasta or Noodle products	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup
Lunch/Supper			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. and 3. Vegetable(s) and/or fruits (from two sources) Juice (full-strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 1/2 cup (4 oz)
4. Bread or biscuits, Rolls, muffins, etc. or Cooked pasta or Noodle products or Cooked cereal or grains	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1 slice 1 serving 1/2 cup 1/2 cup 1/2 cup
5. Meat (lean) or Poultry or fish or Eggs or Cooked dry beans, peas Lentils or Peanut butter or Cheese	1 oz 1 oz 1 1/4 cup 2 T 1 oz	1 1/2 oz 1 1/2 oz 1 3/8 cup 3 T 1 1/2 oz	2 oz 2 oz 1 1/2 cup 4 T 2 oz
Snacks			
Select 2 of the following 4 components			
1. Milk (fluid)	1/2 cup (4 oz)	1/2 cup (4 oz)	1 cup (8 oz)
2. Vegetables/fruits or Juice (full-strength) (except with milk)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 3/4 cup (6 oz)
3. Bread or biscuits, Rolls, muffins, etc. or Cold dry cereal or Cooked cereal or grains or Cooked pasta or Noodle products or	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup
4. Meat (lean) or Poultry or fish or Cheese or Eggs or Cooked dry beans, peas Lentils or Peanut butter or Peanuts	1/2 oz 1/2 oz 1/2 oz 1/2 egg 1/8 cup 1 T 1/3 cup	1/2 oz 1/2 oz 1/2 oz 1/2 egg 1/8 cup 1 T 1/3 cup	1 oz 1 oz 1 oz 1 egg 1/4 cup 2 T 2/3 cup

- A. A licensee shall provide each child who naps or sleeps at the facility with a separate cot, mat, or a crib that meets the requirements of R9-5-502(A)(8) and ensure that:
1. A cot, mat, or crib used by a child accommodates the child's height and weight;
 2. A staff member covers each cot, crib mattress, or mat with a clean sheet that is laundered when soiled, or at

least once every 7 calendar days and before use by a different child;

3. A clean blanket is available for each child;
 4. A rug, carpet, blanket, or towel is not used as a mat; and
 5. Each cot, mat, or crib is maintained in a clean and repaired condition;
- B. A licensee shall not use bunk beds or waterbed mattresses.

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- C. A licensee shall provide an unobstructed passageway at least 18 inches wide between each row of cots, or mats to allow a staff member access to each child.
- D. A licensee shall ensure that cribs, cots, and mats do not obstruct access to designated exits.

R9-5-512. General food service and food handling standards Cleaning and Sanitation

- A. Food service and handling shall be conducted pursuant to all applicable state and local statutes, rules and ordinances.
- B. Children and staff shall wash hands with soap and running water before handling or eating food. Washcloth handwashing shall be restricted to infants and children with special needs to reduce the transfer of bacteria.
- C. Children shall not be allowed to eat directly off floor or ground.
- D. Children shall be encouraged but not forced to eat.
- E. Children shall be given necessary assistance in feeding, and taught self-feeding skills and good nutrition habits.
- F. The child's parents or guardian shall be notified when a child consistently refuses to eat or exhibits unusual eating behavior.
- G. Meals provided by the center or individual sack lunches provided by the parents or guardian shall be given to the child at customary meal times.
- H. The center shall not serve the same menu twice in the same day.
- I. Fresh milk may be served directly from the original commercially filled container. Unused portions of individual servings shall not be returned to the original container or stored for future consumption.
- J. Reconstituted dry milk does not meet the fluid milk meal pattern requirement and shall not be substituted for fresh milk.
- K. Foods shall be prepared as close to serving time as possible to protect children and personnel from food-borne illnesses.
- L. Foods shall be prepared in a manner to maintain nutrients, proper temperature, flavor, texture and appearance.
- M. Perishable foods in sack lunches shall be stored at proper temperatures (45° maximum) in a refrigerator until mealtime.
- N. If not provided when a sack lunch is brought from home, the center shall serve milk, or full-strength vegetable or fruit juice to children at scheduled meal times.
- O. Juices served to children for meals and snacks shall be full-strength vegetable or fruit juices from a can, carton or concentrate. Imitation powdered, syrup, or concentrated drinks, aides or punches shall not be used in place of full-strength juices.
- P. Menus shall specify foods to be served and shall be planned at least one week in advance, dated and posted in the center's entrance area on the last working day prior to the menu week.
- Q. Menu substitutions shall be written on the posted menu no later than the morning of the meal service.
- R. When a child requires a modified diet prescribed by the parent, guardian or physician, the center shall inform personnel of the diet restrictions and serve food that complies with the prescribed dietary regimen.
- S. Children shall receive the following meals or snacks when at the center for the time periods specified below:
 - 1. Two to four hours: one or more snacks, unless the child is at the center during a regular meal time, in which case the child shall be served the appropriate meal outlined in these rules.
 - 2. Four to eight hours: a meal and one or more snacks.
 - 3. Nine or more hours: two snacks and one or two appropriate meals.
 - 4. A snack shall be made available before bedtime.
 - 5. Breakfast shall be available to children who are scheduled to be in attendance at the center before 8:00 am.

- 6. Lunch shall be available to children who are at the center between 11:00 am and 1:00 pm.
- 7. Dinner shall be available to children in centers licensed for evening care who are at the center between 5:00 pm and 7:00 pm.

- A. A licensee shall maintain facility premises free of insects and vermin.
- B. A licensee shall maintain facility premises and furnishings in a clean condition and free from odor.
 - 1. Floor coverings, such as carpeting, tile, linoleum, or wood shall be clean, washable, and free from cracks, chips, gaps, rips, dampness, or odors.
 - 2. A licensee shall ensure that toilet bowls, lavatory fixtures, and floors in toilet rooms and kitchens are cleaned and sanitized as often as necessary to maintain them in a clean and sanitized condition or at least once every 24 hours.
- C. If laundry belonging to a facility is done on facility premises, a licensee shall:
 - 1. Not use a kitchen or food storage area for sorting, handling, washing, or drying laundry;
 - 2. Locate the laundry equipment in an area that is separate from licensed activity areas and inaccessible to enrolled children;
 - 3. Not permit a child to be in a laundry room or use a laundry area as a passageway for enrolled children; and
 - 4. Ensure that laundry soiled by vomitus, urine, feces, blood, or other body fluid is stored, cleaned, and sanitized separately from other laundry.
- D. A licensee shall ensure that:
 - 1. Each toilet room in a facility contains, within easy reach of children:
 - a. Mounted toilet tissue;
 - b. A sink with running water;
 - c. Antibacterial soap contained in a dispenser; and
 - d. Disposable, single-use paper towels in a mounted dispenser, or a mechanical air hand dryer;
 - 2. Staff members wash their hands with antibacterial soap and running water after toileting;
 - 3. A child's hands are washed with antibacterial soap and running water after toileting;
 - 4. Food waste and other refuse is stored in a container with a tight fitting lid.
 - a. The container is clean and lined with a paper bag or plastic.
 - b. Waste is removed from the facility building at least once every 24 hours or more often as necessary to maintain a clean condition and avoid odors; and
 - 5. A staff member does not draw water for human consumption from a toilet room hand washing sink.

R9-5-513. Supplemental food service and food handling standards for infants Pets and Animals

In addition to requirements specified in R9-5-512, centers providing infant care shall comply with the following:

- 1. Formulas may be provided by the infant's parents or guardian, or by the center. If prepared by the center, formulas shall be prepared and stored in accordance with written instructions provided by the infant's parents, guardian or physician and according to state statutes and state and local rules or ordinances governing the preparation of all foods.
- 2. Each infant's parents or guardian shall supply written instructions to the center on the types of foods to be fed to the infant which shall be updated regularly as new foods are added or other dietary changes are made. Instructions shall be posted for staff reference.

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3. ~~The center shall meet the following requirements for feeding infants:~~
 - a. ~~Center personnel shall hold and feed infants under six months of age or older children who cannot hold their own bottle.~~
 - b. ~~Bottles shall never be propped.~~
 - c. ~~Bottles shall be removed from cribs and beds after the child has fallen asleep.~~
 - d. ~~Children shall not have bottles while on the floor.~~
 - e. ~~Each child's bottle shall be individually labeled.~~
 - f. ~~Bottles, nipples and bottle covers shall be sterilized prior to reuse. Used bottles shall be removed, emptied, and rinsed promptly.~~
 - g. ~~Cereal shall not be mixed with formula and fed to an infant from a bottle.~~
 4. ~~As soon as infants are of sufficient age, they shall be spoon fed from individual spoons and containers and shall be encouraged to feed themselves as soon as this desire is exhibited.~~
- A. A licensee shall maintain written documentation of current immunization against rabies for each dog or cat owned by a licensee or staff member that is present on facility premises.
- B. A licensee shall ensure that child care personnel:
1. Keep all pet and animal habitats clean;
 2. Prohibit reptiles such as turtles, iguanas, snakes, and lizards in the facility;
 3. Prohibit birds in food preparation and eating areas;
 4. Control pets and animals to maintain the cleanliness of the facility and prevent the pets and animals from endangering a child, staff member, or other individual on the premises; and
 5. Keep birds and animals such as horses, sheep, cattle, and poultry in an enclosure that is not accessible to enrolled children except as part of an activity.

R9-5-514. Supplemental food service and food handling standards for one and two year old children Accident and Emergency Procedures

In addition to requirements specified in R9-5-512, centers providing care for one and two year old children shall comply with the following:

1. ~~Centers shall meet requirements as specified in R9-5-513 for children who require formula or bottle feeding.~~
 2. ~~The child shall sit in a chair at a table of appropriate size during feeding as soon as the child is able to do so.~~
 3. ~~Foods which can be eaten with the fingers shall be included in the daily menus to encourage children to feed themselves.~~
- A. A licensee shall maintain a first aid kit accessible to staff members but inaccessible to children. The kit shall contain first aid supplies in a quantity sufficient to meet the needs of the enrolled children and include the following:
1. Adhesive band-aids of assorted sizes;
 2. Antiseptic solution or sealed alcohol wipes;
 3. Sterile bandages;
 4. Sterile gauze pads in 2" x 2" size;
 5. A pair of scissors;
 6. A pair of tweezers;
 7. Adhesive tape;
 8. Disposable latex gloves; and
 9. Reclosable plastic bags of at least 1-gallon size.
- B. A licensee shall prepare a written accident and emergency plan and maintain the plan on facility premises in a location accessible to staff members. The plan shall contain:
1. The location of the first aid kit;
 2. The names of staff members who have the first aid training required by R9-5-403(E);

3. The names of staff members who have the CPR training required by R9-5-403(E);
 4. The directions for verbal notification of a parent by telephone or other equally expeditious means within 30 minutes of an accident or emergency, and directions for written notification to the parent within 24 hours; and
 5. The facility's street address and the emergency telephone numbers for the local fire department, police department, ambulance service, and poison control center.
- C. A licensee shall post, near an activity area or a room's designated exit, a building evacuation plan that details the designated exits from the activity area or room and the facility.
- D. A licensee shall maintain a communication system that consists of:
1. A direct-access, in-and-out, operating telephone service; or
 2. A 2-way voice communication system that connects the facility with an individual who has direct access to an in-and-out, operating telephone service.
- E. A licensee shall post the accident and emergency plan required in subsection (B) in any facility activity area that does not have an operable telephone service or 2-way voice communication system.

R9-5-515. Supplemental care standards for special children Illness and Infestation

In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing care for special children shall comply with the following:

1. Centers may enroll special children when the following conditions are met prior to the child's attendance:
 - a. In-service training or consultation is provided to enhance the ability center personnel to meet the individual needs of enrolled special children.
 - b. Appropriate activities are developed and equipment substitutions are available or necessary activity and equipment adaptations are made.
 - c. Appropriate physical plant modifications are made to accommodate the individual needs of special children.
 - d. Personnel/child ratios are established which allow each special child to receive specialized services and care required for their needs and which are approved by the Department.
2. At the parent conference, upon enrollment of the child, specialized support needs shall be documented.
 - a. Parents and staff shall jointly determine any special personnel/child ratios, personnel training or consultation, and equipment that will be necessary.
 - b. Personnel shall be familiar with appropriate community resource referral services and refer parents to them, if appropriate.
 - c. When determining the placement of a special child within a group of children, center personnel and the child's parents shall consider the developmental, physical, emotional, and chronological age of the child. Any assessments of the child's individual needs that have been used to determine placement and the rationale for placement shall be documented in the child's file.
3. Special children shall be integrated into the daily activities of the center whenever possible within the least restrictive environment that meets the individual needs of special children in attendance.
4. A diaper changing area shall be provided in centers that regularly care for special children who require diapering.

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- A. A licensee shall not permit a child to remain at the facility if a staff member determines that a child shows signs of illness or infestation.
- B. If a child exhibits signs of illness or infestation at a facility, a licensee shall ensure that a staff member:
 - 1. Immediately separates the child from other children,
 - 2. Immediately notifies the child's parent by telephone or other expeditious means to arrange for the child's removal from the facility, and
 - 3. Keeps a written record of notification on facility premises for 2 months from the date of notification.
- C. A licensee shall ensure that a staff member who has signs of illness or infestation is excluded from a facility. A facility director shall not permit a staff member to return to a facility until free from signs of illness or infestation, or until the staff member provides written documentation by a health care provider that the individual may return to a facility.
- D. If a staff member or enrolled child contracts a communicable disease or infestation as stated in A.A.C. R9-6-202(C), a licensee shall ensure that, within 24 hours of notice of the communicable disease or infestation, written notice is provided to each staff member, parent, and the local health department. A licensee shall ensure that:
 - 1. A dated, written notice of the communicable disease or infestation for is prepared and posted in the facility's entrance as required by R9-5-303;
 - 2. A written record of the notifications is maintained on facility premises for 12 months from the date of notification; and
 - 3. A written record of the absences of staff members and children due to a communicable disease or infestation stated in A.A.C. R9-6-202(C) is prepared and maintained on facility premises for 12 months from the first date of absence.
- E. A licensee shall ensure that any staff member or enrolled child who has sore or inflamed eyes, nasal or ear discharge, a boil, cut, or cold, is excluded from any swimming activity.

R9-5-516. Supplemental evening and nighttime care standards Medications

- A. In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing evening and nighttime care shall comply with the following:
 - 1. The center shall provide a variety of activities after dinner and before bedtime which meet each child's recreational, rest or sleep needs.
 - 2. The center shall provide each infant with a crib which meets the requirements of R9-5-507 and each child with a comfortable bed, consisting, at a minimum, of a sturdy cot and clean bedding.
- B. The center shall obtain and follow written instructions from the parent or guardian for the child's bathing, toileting and personal grooming.
- C. If children are bathed at the center, the bathtub shall be sanitized between uses.
- D. Staff members on evening or night duty shall remain awake at all times and shall be in the immediate vicinity of sleeping children.
- A. A licensee shall ensure that a written statement is prepared by the facility director and maintained on facility premises that specifies whether prescription or nonprescription medications are administered to enrolled children. If prescription or nonprescription medications are administered, the written statement shall contain provisions explaining that:
 - 1. A facility director, or a staff member designated in writing by the facility director, is responsible for the adminis-

- tration of all medications in the facility, including storing, supervising a child's ingestion of a medication, and recording all medications administered to a child;
- 2. A facility director, or a staff member designated in writing by the facility director, shall not permit the administration of a medication to a child unless the facility receives written authorization signed by the child's parent or health care provider that includes the:
 - a. First and last name of the child;
 - b. Name of the medication;
 - c. Name of dispensing pharmacy and prescription number, if any;
 - d. Instructions for administration specifying the:
 - i. Dosage;
 - ii. If indicated, starting and ending dates of the dosage period; and
 - iii. Times and frequency of administration;
 - e. Reason for the medication; and
 - f. Date of authorization; and
- 3. A staff member shall:
 - a. Administer a prescription medication provided by a parent only from a container dispensed by a pharmacy;
 - b. Administer a nonprescription medication provided by a parent for a child only from a container prepackaged and labeled for use by the manufacturer; and
 - c. Not administer any medication that has been transferred from one container to another.
- B. A licensee shall allow a child to receive an injection only after obtaining a written authorization from a physician. Only those individuals licensed as prescribed in A.R.S. §§ 32-1401 *et seq.* or A.R.S. §§ 32-1601 *et seq.* are permitted to give injections to an enrolled child. A licensee shall maintain the physician's written injection authorization on facility premises for 12 months from the date of the authorization.
- C. A licensee shall maintain a written record of all medications administered to an enrolled child.
 - 1. The record shall contain:
 - a. The first and last name of the child;
 - b. The name and amount of medication administered and the prescription number, if any;
 - c. The date and time the medication was administered; and
 - d. The signature of the staff member who administered the medication to the child.
 - 2. A licensee shall maintain the record on facility premises for 12 months from the date the medication is administered.
- D. A licensee shall return all unused prescription and nonprescription medications to a parent when the medication prescription date has expired or the medication is no longer being administered to the child or dispose of the medication if unable to locate the child's parent after the child's disenrollment.
- E. A licensee shall ensure that prescription and nonprescription medications are stored as follows:
 - 1. A child's medication is kept in a locked, leakproof storage cabinet or container that is used only for storing children's medications and is located out of reach of children;
 - 2. Medication for a staff member is kept in a locked, leakproof storage cabinet or container that is separate from the storage container for children's medications and is located out of reach of children; and
 - 3. Medications requiring refrigeration are kept in a locked, leakproof container in a refrigerator.

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- E. A licensee shall ensure that a facility does not stock a supply of medications for administration to enrolled children, including:
1. Any prescription medication; or
 2. A nonprescription medication such as aspirin, acetaminophen, ibuprofen, or cough syrup.

R9-5-517. Pets Transportation

The center director shall be responsible for the behavior and cleanliness of pets or animals allowed on the premises.

1. All dogs and cats on the premises shall be immunized against rabies.
 2. Pets shall be controlled to assure that proper sanitation of the premises is maintained, and to assure that the animals are not a hazard to children, staff or visitors at the center.
- A. A licensee providing transportation to enrolled children in a motor vehicle that the licensee owns or acquires for use by contract shall:
1. Ensure that the motor vehicle is registered by the Department of Transportation as required by A.R.S. § 28-301 et seq.
 2. Ensure that the facility possesses current insurance coverage for the motor vehicle as required by A.R.S. § 28-1251 et seq. The licensee shall maintain proof of current motor vehicle insurance coverage on facility premises and inside each motor vehicle used for transporting enrolled children;
 3. Notify the Department by telephone or other equally expeditious means within 24 hours of a motor vehicle accident that occurs while transporting children;
 4. Submit a written report to the Department within 7 calendar days of a motor vehicle accident that occurs while transporting children;
 5. Not permit an enrolled child to be transported in a truck bed, camper, or trailer attached to a motor vehicle;
 6. When transporting enrolled children, use a child passenger restraint system, as required by A.R.S. § 28-907, for each child who is 4 years of age or younger, or who weighs 40 pounds or less;
 7. When transporting enrolled children, use an adjustable lap belt or an integrated lap and shoulder belt for each child who is over 4 years of age or who weighs over 40 pounds. A public or private school transporting an enrolled child in a commercial motor vehicle, defined in A.R.S. § 28-402(4), is exempt from this provision;
 8. Equip a motor vehicle used to transport enrolled children with:
 - a. A working mechanical heating system capable of maintaining a temperature throughout the motor vehicle of at least 60° F when outside air temperatures are below 60° F;
 - b. A working air-conditioning system capable of maintaining a temperature throughout the motor vehicle at or below 86° F when outside air temperatures are above 86° F. A public or private school transporting an enrolled child in a commercial motor vehicle, as defined in A.R.S. § 28-402(4), is exempt from this provision;
 - c. A first aid kit that meets the requirements of R9-5-514(A) and 2 towels or blankets;
 - d. Water sufficient for the needs of each enrolled child in the motor vehicle;
 9. Maintain a motor vehicle being used to transport enrolled children in a clean condition;
 10. Maintain a motor vehicle being used to transport enrolled children in a mechanically safe condition; and

11. Maintain the service and repair records of all motor vehicles that are owned or leased by a licensee for the transportation of enrolled children on facility premises for 12 months from the date of an inspection or repair.

- B. A licensee shall ensure that an individual who drives a motor vehicle used to transport enrolled children:
1. Is 18 years of age or older. If the motor vehicle driver is a staff member, the staff member shall be a qualified teacher-caregiver;
 2. Holds a valid driver's license issued by the Arizona Department of Motor Vehicles as prescribed by A.R.S. §§ 28-401 et seq.;
 3. Carries in the vehicle a list stating the name of each enrolled child being transported and a copy of each child's Emergency, Information, and Immunization Record card;
 4. Requires that each door be locked before a motor vehicle is set in motion and remain locked while the motor vehicle is in motion;
 5. Requires that each enrolled child remains seated and entirely inside a motor vehicle while the motor vehicle is in motion;
 6. Requires that each enrolled child is secured in a seat belt before and while a motor vehicle is in motion. A public or private school transporting an enrolled child in a commercial motor vehicle, defined in A.R.S. § 28-402(4), is exempt from this provision;
 7. Does not permit an enrolled child in a motor vehicle to open or close a motor vehicle door or window;
 8. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;
 9. Ensures that enrolled children are loaded on to or unloaded from a motor vehicle away from moving traffic at curbside, in a driveway, parking lot or other location designated for this purpose; and
 10. Does not use audio headphones or a car telephone while a motor vehicle is in motion.

R9-5-518. Discipline and guidance Field Trips

- A. Acceptable discipline and guidance techniques:
1. Center personnel shall use discipline to teach children acceptable behavior and inner controls, not as punishment or retribution.
 2. Center personnel shall consider the child's age, intellectual development, emotional make-up and past experience when disciplining the child.
 3. Center personnel shall define and maintain consistent, reasonable rules and limits for children and shall model and encourage appropriate behavior.
 4. Center personnel, whenever possible, shall explain to a child why the particular behavior is not allowed, suggest an alternative, and then assist the child to become engaged in activities in an acceptable way.
 5. If a child's behavior may result in self-harm or harm to others, center personnel shall hold the child firmly until the child regains control or composure.
 6. When a child is isolated from other children for unacceptable behavior, the isolation period shall not be longer than three minutes after the child regains control or composure but under no circumstances longer than ten minutes without personnel/child interaction using methods described in this subsection.
- B. Unacceptable discipline and guidance techniques:
1. Disciplinary methods shall not be detrimental to the health or emotional needs of the child. Personnel shall not

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- humiliate or frighten a child, or use corporal punishment and shall not permit other personnel to do so.
2. Discipline shall not be associated with eating, napping or toileting.
 3. Medications or mechanical restraints and devices shall not be used to discipline children.
 4. Children shall not be allowed to discipline other children.
- A. A licensee providing a field trip for a child shall:
1. Obtain written permission from a parent before a child participates in a field trip. A field trip permission slip shall include:
 - a. The date and purpose of the field trip;
 - b. The times of departure from and return to the facility; and
 - c. The name, street address, and telephone number, if any, of the field trip destination;
 2. Prepare a written field trip plan that is maintained on facility premises and includes the following:
 - a. The name of each participating child, staff member, and other individuals on the field trip;
 - b. The times of departure from and return to the facility;
 - c. The license plate number of any motor vehicle used on the field trip; and
 - d. The name, street address, and telephone number, if any, of the field trip destination; and
 3. Maintain the field trip permission forms and field trip plan on facility premises for 3 months from the date of a field trip.
- B. A licensee shall ensure that a staff member taking enrolled children on a field trip carries the following on the trip:
1. A copy of the Emergency, Information, and Immunization Record card of each child participating in the field trip;
 2. A list stating the name of each participating child. A staff member shall ensure that each child on the list is present at all times and place a checkmark next to the name of each child present at the following times:
 - a. At the beginning of the field trip or when boarding the motor vehicle,
 - b. Upon arrival and each hour while at the field trip destination,
 - c. When preparing to leave the field trip destination or when boarding the motor vehicle to return to the facility, and
 - d. When reentering the facility at the conclusion of the field trip; and
 3. Water in an amount sufficient for each participating child during the field trip.
- C. A licensee shall ensure that each child participating in a field trip is wearing in plain view a written identification stating the facility's name, address, and telephone number. A licensee shall also ensure that each child is wearing out of view a written identification stating the child's first and last names.
- D. If a licensee uses a motor vehicle volunteered by a parent or other individual for a field trip, a licensee shall determine before the field trip begins that the motor vehicle is in compliance with R9- 5-517(A)(1) and (2) and that the motor vehicle driver is in compliance with R9-5-517(B)(1) and (2).

R9-5-519. Illness and infestation care

- A. Each child shall be observed by center personnel for signs of illness or infestation upon entering a center transport vehicle or the center.
- B. The center shall not accept or allow a child to remain at the center if the child shows symptoms of inflammation, fever,

rash, diarrhea, vomiting, pinworms, lice or is suspected of having a contagious or infectious disease or infestation.

- C. If the child develops symptoms of illness or infestation while at the center, personnel shall isolate the child from others and notify the child's parent or guardian immediately to arrange for prompt removal of the child.
- D. The center shall notify parents in writing if their child has been exposed to a contagious disease or infestation immediately upon discovery of exposure. In addition, the center shall notify the local health department of all reportable diseases.
- E. Each center shall provide every parent with written instructions of how to inform the center of a child's absence due to potentially infectious illnesses.
- F. A log of absences due to reportable communicable illness and infestation pursuant to R9-6-114(A) shall be maintained by the center and retained for two years in order to determine consistent patterns of illness or infestation at the center.

R9-5-520. Emergency medical care

- A. The center shall immediately notify the child's parents, guardian or the person specified by the parent to be notified in case of an emergency, in the event of any serious injury to the child that requires medical attention.
- B. A first aid kit, approved by the Department, shall be kept in the center and accessible to all personnel but out of reach of children. The first aid kit shall contain at a minimum:
1. Band-aids;
 2. Antiseptic solution;
 3. Sterile bandages;
 4. Scissors;
 5. Medical tape;
 6. Cotton swabs; and
 7. Syrup of Ipecac with expiration limits.

R9-5-521. Medications

- A. Centers shall develop a medication policy and notify parents or guardians of the policy.
- B. If medications are administered, the center shall develop procedures which, at a minimum, adhere to the following:
1. The center director, or a staff member designated in writing by the center director, shall be responsible for administration of medication including the storage, recordkeeping, handling and overseeing the child's ingestion of medication. Only one staff member in the center at any given time shall be responsible for administration of medications.
 2. Staff shall not administer medications to a child without specific written authorization from the child's physician, parent or guardian which contains at least the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication to be given;
 - c. Specific instructions for administering the medication including the dosage, the dates and time of day medication is to be given;
 - d. Reason the medication is being given;
 - e. Signature of physician, parent or guardian; and
 - f. Date of authorization.
 3. Injections shall only be dispensed by appropriately licensed persons.
 4. The center shall maintain a record of all medications administered to children by the center staff. The record shall contain the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication;

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- c. The date and time of day the medication is administered; and
- d. The signature of the designated staff member who administered the medication.
- 5. Center staff shall only administer medications that are provided by the parent or guardian in the original, labeled container and labeled with the child's full name.
- 6. Medicines which are no longer to be administered shall be returned to the child's parent or guardian immediately.
- 7. All prescription and nonprescription medications shall be kept in a locked storage cabinet or container which is located out of the reach of children.
- 8. Medications requiring refrigeration shall be kept in a locked, leakproof container in the refrigerator.
- 9. The center shall not keep stock supplies of any preservation or nonprescription medication for internal use, including aspirin.
- C. Medication records shall be maintained for three years and available for immediate inspection by the Department. Current records shall be kept on the center premises for one year.

R9-5-522. Transportation

If the center provides vehicular transportation directly or through a contract, the following requirements shall be met:

- 1. Vehicle and driver requirements:
 - a. The vehicle shall be maintained in a mechanically safe condition.
 - b. The vehicle driver shall be 18 years of age or older, hold a current Arizona chauffeur's license and a current first aid certificate, or if not paid for services, a valid driver's license.
 - c. Children shall not be transported in vehicles which are not constructed for the purpose of transporting people such as truck beds, campers or any trailered attachment to a motor vehicle.
 - d. All children shall be seated on seats which are securely fastened to the body of the vehicle and which provide sufficient space for the child's body.
 - e. Seat belts or child restraint devices shall be required for all children who are 25 months old or older when they are transported in a vehicle which weighs under 10,000 pounds gross volume weight (GVW). All children 24 months of age or younger shall be transported in Department approved child restraint devices which are anchored to the vehicle.
 - f. No adult or child shall stand or sit on the floor while vehicle is in motion.
 - g. Vehicles used to transport children shall have adequate heating and air conditioning.
 - h. A first aid kit which meets requirements specified in R9-5-520(B), and two large, clean towels or blankets shall be maintained in each vehicle.
 - i. Centers shall maintain on file records of all services and repairs for center owned or leased vehicles for as long as the vehicle is used by the center.
- 2. Transport insurance requirements:
 - a. The center or its contractor, shall obtain and maintain motor vehicle insurance coverage in accordance with A.R.S. § 28-1102 et seq., Uniform Motor Vehicle Safety Responsibility Act, and R9-5-302.
 - b. Proof of insurance shall be kept in the center and in each insured vehicle.
- 3. Transport safety requirements:
 - a. A copy of each child's emergency medical care authorization shall be present in the vehicle transporting that child.
 - b. The center shall notify the Department within one

- working day of any traffic accident involving children being transported by the center and submit a written accident report to the Department within five working days on Department approved report forms.
- c. Children shall not be allowed to open or close doors of vehicles.
- d. Headphones or earphones shall not be worn by the driver of a vehicle transporting children.
- e. The center shall provide a safe vehicle loading and unloading area for children which is located in an area away from moving traffic and hazardous obstructions.
- f. When away from the center, the vehicle shall be parked at curbside whenever possible to load and unload children. When not possible, an adult shall find or make a safe path for children to enter or exit the vehicle prior to loading and unloading.
- g. The vehicle driver shall remove the keys from the vehicle and set the emergency brake before exiting the vehicle.
- h. Vehicle doors shall remain locked at all times when the vehicle is in motion.
- i. A child shall not be left unattended in a vehicle.
- j. An accurate list of all children in transport shall be available in the vehicle.

ARTICLE 6. CENTER ACTIVITY AREAS AND PHYSICAL PLANT STANDARDS
PHYSICAL PLANT OF A FACILITY

R9-5-601. Outside play areas General Physical Plant Standards

- A. At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50% of the center's licensed capacity.
- B. The area shall be contiguous with the center or easily accessible without the need to cross streets or highways.
- C. The outside play area shall be free of hazards and shall be totally fenced with a minimum 4 foot high secure fence.
- D. Gates to the play area shall be kept closed at all times.
- E. The outside play area shall have a nonhazardous play surface. Asphalt, unpadded indoor/outdoor carpeting and astroturf over asphalt shall not be used under swings and play equipment where children may fall. A hard surfaced area may be provided for wheeled play vehicles.
- F. Shaded areas shall be provided to accommodate the children who are occupying the outside play area at any time.
- G. Outside structures and play equipment shall be well maintained and shall be arranged to minimize hazard from conflicting activities.
- H. After school programs which are operated in an elementary or secondary public, private or parochial school, and serve only school age children shall be required to meet fencing requirements of the school where the program is located. If the outdoor play area fencing does not ensure the safety of children, the requirements of R9-5-601(C) shall be imposed.
- I. Any construction or equipment which constitutes a potential safety hazard shall be adequately fenced off or enclosed.
- J. An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.
- A. A facility licensed or a licensed facility modified after the effective date of these rules shall conform to the following:
 - 1. Local building and fire codes;
 - 2. Local zoning requirements; and

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3. The requirements of A.R.S. §§ 36-881 *et seq.* and these rules.
- B. A facility licensed before the effective date of these rules shall meet the requirements of the local building and fire codes in existence on the date of licensing and any locally required amendments to the building and fire codes.
- C. A facility shall not be located in a manufactured home as defined in A.R.S. § 41-2142(24) or a mobile home as defined in A.R.S. § 41-2142(26).

R9-5-602. Swimming pools Supplemental Physical Plant Standards

- A. All pools and equipment shall conform to manufacturer's specifications for installation and operation and shall be maintained and operated in a safe and sanitary manner at all times.
- B. Swimming pools over two feet deep shall have the following:
 1. A recirculation system, to be run continually during seasonal use, including at least one removable strainer, two pool inlets placed on opposite sides of pool, one drain located at the pool's lowest point and covered by a grating designed to prevent suction of body surfaces.
 2. An automatic disinfectant system.
 3. A vacuum cleaning system.
 4. When chlorination is used, a range of free chlorine, tested by the orthotolidine method, of 0.4 to 1.0 ppm, a pH range of 7.0-8.0, shall be maintained. Dry or liquid chemical sources may be added directly to pool water only when sufficient time exists for adequate dispersal before use. A daily log of chemistry readings and resultant action taken shall be kept at the center and available for inspection.
 5. A shepherd's crook and one ring buoy with at least 25 feet of 1/2-inch rope attached.
- C. Pools two feet deep or less shall meet the requirements of subsection (B) except:
 1. The recirculation system must have at least one pool inlet and a bottom drain is not required.
 2. No vacuum cleaning system is needed.
 3. No ring buoy is needed.
- D. Annual inspection by the Department or the local, county or city health department is required for all pools. An initial inspection of all new pools is required prior to use.
- E. Swimming pools must be enclosed by a separate fence with a minimum height of five feet and a self-closing, self-latching, lockable gate. The gate shall be kept locked whenever the pool is not in use.

In addition to complying with the general physical plant standards, a licensee shall comply with the following supplemental physical plant requirements:

- A. When a facility is licensed to care for more than 5 infants in an infant room as described in R9-5-502(A)(1), each infant room shall have 2 or more designated exits from the room.
- B. Excluding infants and children who use diapers from ratio calculations, toilets and hand washing sinks accessible to children shall be provided in a facility as follows:
 1. At least 1 flush toilet and 1 hand washing sink for 10 or fewer children,
 2. At least 2 flush toilets and 2 hand washing sinks for 11 to 25 children, and
 3. At least 1 flush toilet and 1 hand washing sink for each additional 20 children.
- C. A licensee providing child care services for infants or children who require diapering shall provide a diaper changing area that meets the requirements in R9-5-503 in each infant room or activity area used by an infant or a child who wears diapers or disposable training pants. An applicant or licensee requiring a diaper changing area outside an infant room or activity area to

allow privacy for diapering a child with special needs may submit a written request for an exemption and:

1. For an initial application, submit physical plant documents required by R9-5-607 that designate the location of the proposed diaper changing area. The Department shall review the proposed diaper changing area and provide written notice according to the procedures in R9-5-202;
 2. For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days from the date of the receipt of the request the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:
 - a. Complies with A.R.S. §§ 36-881 *et seq.* and these rules and provides privacy for the child with special needs, the Department shall approve the proposed diaper changing area; or
 - b. Does not comply with A.R.S. §§ 36-881 *et seq.* or these rules or provide privacy for the child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and
 3. A licensee shall not use a diaper changing area located outside of an activity area until the Department approves the diaper changing area.
- D. A licensee shall ensure that a glass mirror, window or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or injury to a child.

R9-5-603. General standards for indoor activity areas Facility Square Footage Requirements

- A. For licensing purposes, at least 25 square feet of interior activity space shall be available for each child included in the center's licensed capacity, except that at least 35 square feet shall be available for each infant and one-year-old child. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.
- B. There shall be a designated room or area which has a cot or mat, sheet and blanket where a child can be separated from other children in the indoor activity space.
- C. The floor space of kitchens, bathrooms, closets, halls, storage areas or rooms, recreation areas, isolation rooms, offices, and rooms designated for staff use as well as wall thickness shall be excluded in computing indoor activity space to determine licensed capacity.
- D. Room space used for storage, teacher-caregiver desks, file cabinets, storage cabinets or closets, or staff handwashing sinks shall not be included as activity space when determining licensed capacity.
- E. The licensed capacity of each child care room or area shall be posted conspicuously in that room.
- F. The indoor activity area used to calculate licensed capacity shall be occupied only by the children's play materials, and equipment or children's furniture.
- G. Rooms in the center used for child care shall be decorated with coverings for windows, mirrors, bulletin boards and age-appropriate pictures or posters at the eye level of occupant children.
- A. A licensee shall ensure that the facility meets the following square footage requirements for indoor activity areas based on the classifications of child care services:

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1. At least 35 square feet of indoor activity space for each infant and 1-year-old child;
 2. At least 25 square feet of indoor activity space for each child who is not an infant or 1-year-old child; and
 3. When 1-year-old children are grouped together with children older than 1-year-old children in the same activity area, at least 35 square feet of indoor activity space for each child.
- B.** When computing indoor activity space for subsections (A)(1) through (A)(3) to determine licensed capacity, the floor space occupied by the following shall be excluded:
1. The interior walls;
 2. A kitchen, bathroom, closet, hallway, stair, entryway, office, a room designated for isolating a child from other children, storage rooms, and a room designated for the sole use of child care personnel; and
 3. Room space occupied by teacher-caregiver desks, file cabinets, storage cabinets, and hand washing sinks for staff use.
- C.** A licensee shall provide at least 75 square feet of outdoor activity area for each child occupying the outdoor activity area at any time. To allow scheduled access to an outdoor activity area for each attending child, a licensee shall provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity.
1. An applicant or licensee may request an exemption from this requirement if:
 - a. No enrolled child attends the facility for more than 4 hours per calendar day;
 - b. The applicant or licensee provides at least 50 square feet of indoor activity area for each child based on the facility's licensed capacity; and
 - c. The applicant or licensee submits a written request for exemption in the narrative portion of the information form.
 2. An applicant or licensee may request a substitution of indoor activity area for outdoor activity area if:
 - a. The applicant or licensee can provide at least 50% of the outdoor activity area required by this subsection;
 - b. The indoor activity area being substituted for outdoor activity area is in addition to the indoor activity area required in subsection (A); and
 - c. The applicant or licensee submits a written request to substitute indoor activity area for outdoor activity area in the narrative portion of the information form and identifies on the floor plan the specific location of the indoor activity area being substituted for outdoor activity area.
 3. The Department shall review and approve or deny the request for exemption or substitution.
 - a. For a request that is part of an initial application, the Department shall review the proposed exemption or substitution and provide written notice according to the procedures in R9-5-202.
 - b. For a licensed facility, within 30 days from the date of the receipt of the request, the Department shall review the proposed exemption or substitution and provide written notice of the review to the licensee. If the proposed exemption or substitution:
 - i. Complies with A.R.S. §§ 36-881 et seq. and these rules, the Department shall approve the proposed exemption or substitution; or
 - ii. Does not comply with A.R.S. §§ 36-881 et seq. or these rules, the Department shall provide the licensee with the requirements necessary to approve the requested exemption or substitution.

- tion.
- c. A licensee shall provide at least 75 square feet of outdoor activity area per child for 50% of the facility's license, until the Department approves the exemption or substitution.
 4. A licensee shall provide at least 75 square feet of indoor activity area that is substituted for outdoor activity area for each child occupying the activity area.
- R9-5-604. Supplemental indoor activity area standards for infants Outdoor Activity Areas**
In addition to the requirements specified in R9-5-603, centers providing care for infants shall comply with the following:
1. The center shall provide care for infants in rooms and outdoor play areas which are separated from older children except when a total of five or fewer children are present in the center. Infant rooms shall not be used as passageways for other children in the center.
 2. The center shall provide an unobstructed free play area with non-abrasive carpeting for infants to safely and comfortably sit, crawl and play.
 3. The minimum spacing between occupied cribs shall be two feet on any side with bars except the side which is next to the wall.
- A.** A licensee shall provide an outdoor activity area on facility premises.
1. A licensee shall not permit a child to cross a driveway or parking lot to access an outdoor activity area on the facility premises or a school campus unless the licensee obtains written approval from the Department.
 2. If a licensee requests approval from the Department for enrolled children to cross a driveway or parking lot to access an outdoor activity area, the Department shall inspect the facility premises or school campus to determine whether the health, safety or welfare of enrolled children would be endangered. The Department shall notify the licensee of approval or disapproval within 30 days of receipt of the request. If disapproved, the Department shall provide the licensee with the requirements necessary to approve the proposed crossing.
- B.** A licensee shall ensure that an outdoor activity area:
1. Is enclosed by a fence:
 - a. 4 feet high;
 - b. Secured to the ground; and
 - c. With open spaces on a fence or gate that do not exceed 3.5 inches in width or height;
 2. Is maintained free of hazards; and
 3. Has gates that are kept closed while a child is in the outdoor activity area.
- C.** A licensee, operating a facility in a public or private school and providing child care services only for school-age children, shall meet the fencing requirements of the public or private school where the facility is located. If the Department determines by inspection that a facility fence on a public or private school does not ensure the health, safety or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection (B).
- D.** A licensee shall ensure that:
1. A nonhazardous, resilient surface composed of such materials as fine loose sand, wood chips, or a shock-absorbing rubber unitary surfacing material manufactured for such use in outdoor activity areas is provided under swings and climbing equipment in an outdoor activity area; and
 2. Hard surfacing material such as asphalt or concrete is prohibited under swings and climbing equipment unless used as a base for shock-absorbing rubber unitary surfacing.

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ing material. Hard surfacing material is permitted in an activity area used as a ball court or for wheeled play vehicles.

- E. A licensee shall provide shaded areas for children who are occupying an outdoor activity area at all times of day.

R9-5-605. Diaper-changing-area standards Swimming Pools

- A. A diaper-changing area shall be provided in each room where diapered infants, one- and two-year-old children are housed.
- B. A diaper-changing area shall be provided for diapered special children of any age but may be located outside the room where the children are housed if approved by the Department.
- C. All diaper-changing areas shall meet the following requirements:
1. A staff handwashing sink shall be available in each diaper-changing area equipped with soap in a dispenser, running water between 86°F to 110°F and individually dispensed, single-use hand towels.
 2. Diaper-changing procedures shall be posted in each diaper-changing area.
 3. The diaper-changing surface shall have a smooth nonporous surface, be kept clear of items not directly related to diaper changing, and shall be cleaned, sanitized and dried between each change of diapers.
 4. No bottles, formulas, food, food utensils or food preparation shall be allowed in the diaper-changing area.
 5. There shall be at least two covered, easily cleaned, water-proof containers in each diaper-changing area, one for storage of soiled diapers and one for storing soiled clothing. Fecally soiled clothing shall be emptied into a toilet fixture, placed in individual plastic bags, and stored in the container provided. The children shall not have access to these containers.
- A. If a licensee uses a public or semi-public swimming pool for enrolled children, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government. If no ordinance has been adopted, the swimming pool shall meet the requirements in A.A.C. R9-8-811 through A.A.C. R9-8-852.
- B. A licensee that uses a private pool for enrolled children shall ensure that the swimming pool and its equipment meet the following requirements:
1. If a licensee uses a private pool that is a minimum of 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government and, at a minimum, be equipped with the following:
 - a. A recirculation system consisting of piping, pumps, filters, and water conditioning and disinfecting equipment that conforms to the swimming pool manufacturer's specifications for installation and operation, and is adequate to clarify and disinfect the pool water continuously;
 - b. Two swimming pool inlets located on opposite sides of the swimming pool to produce uniform circulation of water and maintain uniform chlorine residual throughout the entire swimming pool without the existence of dead spots;
 - c. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed by bathers;
 - d. A swimming pool water vacuum system in operating condition;
 - e. A removable strainer to prevent hair, lint, or other objects from reaching the pump and filter;
 - f. An automatic mechanical water disinfectant system in operating condition. The disinfecting agents shall

maintain the swimming pool water as follows:

- i. A free chlorine level between 1.0 and 5.0 parts per million as tested by the diethyl-p-phenylene diamine method or 4 to 1.0 parts per million when tested by the orthotolidine method;
 - ii. A pH level between 7.0 and 8.0 as tested by the diethyl-p-phenylene diamine method or the orthotolidine method; and
 - iii. A bromine level between 2.0 and 4.0 parts per million as tested by the diethyl-p-phenylene diamine method;
- g. A shepherd's crook; and
- h. A ring buoy attached to a 1/2 inch diameter rope at least 25 feet in length.
2. If a licensee uses a private pool that is less than 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of subsection (B)(1) except that:
 - a. The swimming pool shall have a minimum of 1 swimming pool inlet;
 - b. The swimming pool is not required to have a bottom drain;
 - c. A pool water vacuum cleaning system is not required;
 - d. A ring buoy with attached rope is not required; and
 3. A portable pool used for wading that does not meet the requirements of subsections (B)(1) and (B)(2) is prohibited.
 4. A licensee may add liquid or dissolved dry chemical disinfectants directly to a pool only for shock purposes.
 5. A licensee shall maintain a dated, written, daily swimming pool log at the swimming pool site that records the free chlorine, pH ranges and bromine readings, including any actions taken by the licensee to restore the swimming pool chemical ranges required by subsection (B)(1)(f) when out-of-range readings occur. A licensee shall maintain a current swimming pool log on facility premises while the swimming pool is in use.
- C. A licensee that uses a public, semi-public or private pool for enrolled children shall use only a swimming pool that is enclosed by a wall, fence or barrier that meets the requirements of a swimming pool barrier ordinance adopted by the local government where the facility is located. If no ordinance has been adopted, the swimming pool shall be enclosed by a wall, fence or other barrier that meets the requirements of A.R.S. § 36-1681.
- D. A licensee that uses any semi-public or private swimming pool for enrolled children shall ensure that the swimming pool has been inspected by the Department or a city or county health department before it is used by enrolled children. If a licensee operates or uses a swimming pool that is inspected by a city or county health department, the licensee shall provide the Department with a current written report of the swimming pool inspection. A licensee shall maintain the current swimming pool inspection reports of a swimming pool used by enrolled children on the facility premises.

R9-5-606. Sleeping-rooms Fire and Safety

- A. There shall be, at a minimum, a corridor which is 24 inches wide between each row of cots or floor mats.
- B. The arrangement of cots or floor mats shall not obstruct access to exit doors and shall provide teacher-caregivers access to each child.
- C. Lofts, galleries, attics or similar places are prohibited as nap or rest areas.
- D. Sleeping rooms shall have adequate light to observe each child.

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- E. ~~Television shall not be in operation in a room where children are sleeping.~~

A licensee shall install portable, pressurized fire extinguishers that meet, at a minimum, a 2A-10-BC rating of the Underwriters Laboratories as described in Publication 10 of the National Fire Code, incorporated by reference in A.A.C. R9-1-412. The fire extinguishers shall be installed and maintained in a facility's kitchen and other locations as required by Standard 10-1 of the Uniform Fire Code, incorporated by reference in A.A.C. R9-1-412.

R9-5-607. Food preparation areas Required Physical Plant Documents

- A. ~~Food preparation and storage areas shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.~~
- B. ~~All food preparation and storage facilities shall conform with requirements of A.A.C. R9-8-112 through R9-8-137.~~
- A. When applying for a license or making a modification to an existing licensed facility, an applicant shall submit to the Department an information form signed by the applicant or licensee containing:
1. The name of applicant;
 2. The name, address, and telephone number of facility;
 3. The name, address, and telephone number of individual to be contacted if additional information is needed by the Department;
 4. The classifications of child care services being requested;
 5. The action being requested by the applicant;
 6. A brief narrative description of the facility or proposed modification, including the location and assigned age groups of each room in which activities are or will be conducted; and
 7. The date the form is submitted to the Department.
- B. In addition to the information required by subsection (A), an applicant providing child care services in a facility not located in a public school shall submit to the Department 2 sets of final construction drawings including:
1. A site plan drawn to scale showing:
 - a. The drawing scale;
 - b. The boundary dimensions of the property upon which the physical plant is located;
 - c. If more than 1 building is used for the facility, location, and perimeter dimensions of each building;
 - d. The location of each driveway on the property;
 - e. The location and boundary dimensions of each parking lot on the property;
 - f. The location and perimeter dimensions of each outdoor activity area;
 - g. The location, type and height of each fence and gate; and
 - h. If applicable, the location of swimming pool.
 2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each plumbing fixture, including each hand washing, utility, and 3 compartment sink, toilet, urinal, diaper changing area, and drinking fountain; and
 - f. The location and type of fire alarm system.
 3. A cross section of the physical plant of the facility showing:
 - a. Type of construction; and
 - b. Materials used in construction.

4. If the physical plant of a facility is larger than 3,000 square feet and is occupied by more than 20 enrolled children and staff members, the seals of an architect, structural engineer, mechanical engineer, and electrical engineer registered as prescribed in A.R.S. § 32-101 *et seq.*, verifying compliance with local building and fire codes, local zoning requirements, and the requirements of these rules.
 5. If the physical plant of a facility is less than 3,000 square feet and is occupied by less than 20 enrolled children and staff members, a copy of all building or zoning permits or certificate of occupancy issued by the local government to the facility.
- C. In addition to the information required by subsection (A)(1), an applicant, providing child care services for children up to school age at a public school, shall submit to the Department 2 sets of final construction drawings or 2 school maps including:
1. A site plan drawn to scale showing:
 - a. The location of each building on the school campus;
 - b. The location of each activity area to be used for child care services;
 - c. The location and perimeter dimensions of each outdoor activity area to be used by enrolled children; and
 - d. The location, type, and height of the fence surrounding the outdoor activity area.
 2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and
 - f. The location and type of fire alarm system.
- D. In addition to the information required by subsection (A)(1), an applicant providing child care services only for school-age children in a facility located in a public school, shall submit to the Department a site plan as shown on 2 sets of final construction drawings or 2 school maps of the school campus showing:
1. The location of each school building and outdoor activity area;
 2. The location, perimeter dimensions, and age groups of each activity area used by enrolled children;
 3. The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and
 4. The location and dimensions of each outdoor activity area to be used by enrolled children.
- E. In addition to submitting the information required by subsection (A)(1), an applicant providing child care services in a facility that is located in a factory-built building as defined in A.R.S. § 41-2142(14) shall also meet the requirements in subsections (B), (C), and (D) for the type of facility providing child care and submit:
1. An installation permit issued by the Arizona Office of Manufactured Housing;
 2. 2 sets of final construction drawings that include the stamp of the Arizona Office of Manufactured Housing;
 3. A foundation and tie-down plan for the factory-built building that is prepared and stamped by an engineer registered as prescribed in A.R.S. §§ 32-101 *et seq.*;
- F. The Department shall maintain 1 set of Department-approved final construction drawings or a school map at the Department's office and the licensee shall maintain, on facility pre-

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mises, 1 set of Department-approved final construction drawings or a school map.

R9-5-608. Laundry facilities

- A. Soiled laundry shall be kept in covered containers and separated from clean laundry.
- B. The kitchen or pantry shall not be used for processing, handling or washing laundry.
- C. If laundry is done on center premises, the laundry area shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.

R9-5-609. Storage areas

- A. All centers shall provide designated storage space for:
 - 1. Indoor and outdoor toys, play equipment and materials, located so that children can freely use and replace items;
 - 2. Cots and bedding convenient to the nap area, and separate from other storage which would preclude proper sanitation practices; and
 - 3. Each child's clothing and personal belongings.
- B. All potentially hazardous equipment, materials or chemicals including the following shall be stored in a locked area out of the reach of children and separated from food storage areas:
 - 1. Flammable materials;
 - 2. Corrosive materials;
 - 3. Maintenance and cleaning equipment and supplies;
 - 4. Insecticides; and
 - 5. Garden tools and repair equipment.
- C. Attic space shall not be used for the storage of readily combustible materials.

R9-5-610. Cleaning and sanitation

- A. All parts of the center premises and all center furnishings, equipment, materials and toys shall be kept clean.
 - 1. Centers shall be maintained free of insects and vermin.
 - 2. Insect control shall include, but not be limited to, screening of windows and other direct openings to the outside.
 - 3. Toilet bowls, lavatory fixtures and floors in bathrooms, playrooms, and kitchens shall be scrubbed daily, or more frequently if necessary, with a cleaning solution and disinfectant.
 - 4. All plumbing fixtures shall be maintained in proper operating condition.
 - 5. Toilet areas shall contain, within easy reach of the children, mounted toilet tissue, warm running water, soap and individually dispensed, single-use towels in a mounted dispenser, or air hand dryer.
 - 6. Toilet doors opening to the outside shall not be left open.
- B. There shall be sufficient water pressure at all times to meet the cleaning needs of the center.
- C. A center licensed for more than 25 children shall have a utility sink which is not located in kitchen or classrooms.
- D. Garbage and organic waste, shall be stored in containers with tight fitting covers.
 - 1. Garbage containers shall be washed and sanitized after emptying and lined with paper bags or plastic liners.
 - 2. Garbage shall be removed from the building daily, or more often if necessary, to maintain a clean condition.
- E. The use of common drinking and eating utensils is prohibited.
- F. Drinking fountains shall:
 - 1. Be kept clean and in working condition;
 - 2. Not be mounted on sinks with the exception of art sinks used for classroom activities; and
 - 3. Have regulated pressure and an angle jet with an orifice guard above the rim.
- G. Drinking water shall not be drawn from bathroom or diaper-changing handwashing sinks.

- H. Drinking water shall be accessible to the children on the playground and in indoor activity rooms.
- I. Individual toothbrushes, combs, washcloths or cloth towels used for children shall be kept clean. Each child's toilet articles shall be kept on identified racks or in cubicles and separated from the articles used by other children.
- J. Items of clean clothing shall be available for children younger than school age to use when necessary.
- K. There shall be covered, waterproof, easily cleaned containers for the storage of soiled clothing. The children shall not have access to the containers.
- L. Permanent floor coverings shall be tight, smooth, washable and free from dampness and odors.

R9-5-611. Fire and safety

Each center shall comply with applicable state and local fire and safety codes and regulations, and the following requirements:

- 1. Furnace rooms, rooms where hot water tanks are located and attics shall not be used for storage of combustibles.
- 2. Combustible waste material shall be kept in metal containers with tight fitting covers and shall not be allowed to accumulate in or around the premises.
- 3. Fire evacuation drills shall be held monthly at various times of the day and written records of each fire evacuation drill shall be kept at the center.
 - a. One of the drills shall be executed at the time of the state or local fire inspection;
 - b. Such drills shall be conducted by the center director or director designee; and
 - c. Written instructions shall be posted which include special staff assignments and general procedures to be followed in case of fire or disasters.
- 4. Exits shall not be blocked or locked during hours of operation.
- 5. Exit corridors shall be kept free from obstruction.
- 6. Portable fire extinguishers shall be installed in the kitchen and throughout the center in compliance with A.A.C. R4-34-1101.
- 7. Smoke detectors in compliance with A.A.C. R4-34-1101 shall be installed in the following locations:
 - a. Head of each stairway;
 - b. Each sleeping room; and
 - c. All corridors.
- 8. At least one smoke detector or heat detector in compliance with A.A.C. R4-34-1101 shall be installed in each of the following locations:
 - a. Kitchen;
 - b. Furnace or boiler room;
 - c. Attic;
 - d. Utility rooms; and
 - e. Attached garages.
- 9. Each center building shall have a manually operated fire alarm system when required by, and as specified in, A.A.C. R4-34-1101, the Arizona Fire Code.
- 10. All stairways to basements shall be separated from the main floor by a full door at the main floor level and have a self-closing device which is kept locked when not in use.
- 11. All stairways leading to rooms used by children shall be equipped with railings suitable for use by children.
- 12. All low windows or arcadia doors shall be of safety glass or protected to assure the safety of children.
- 13. All dry washes, fish ponds, irrigation ditches or bodies of water shall be inaccessible to children except when supervised.
- 14. Poisonous or hazardous plants and shrubs shall be inaccessible to children.

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15. Drugs, other than those prescribed for children or personnel at the center, alcoholic beverages and firearms are prohibited on the center premises during hours of operation.
16. There shall be at least one readily available, operable telephone in the center. Emergency telephone numbers for the local fire department, police department, and ambulance service shall be conspicuously posted near all center telephones.
17. Child day care center buildings, indoor and outdoor play equipment and structures shall be constructed of durable materials for safety, kept in good repair and free from hazards.

R9-5-612. Physical plant standards for new centers and new construction

- A. The following documents shall be submitted to the Department for review and approval prior to undertaking new construction, additions or alterations to a licensed center, or the conversion of unlicensed buildings or portions thereof to child day care center use:
 1. A short narrative indicating the scope of the project;
 2. Two copies of final drawings and specifications which provide the information necessary to determine compliance with these rules; and
 3. A copy of applicable local building and zoning permits.
- B. Construction shall not begin until written approval is issued by the Department.
- C. New construction and buildings converted for center use after the effective date of this Chapter shall comply with applicable local building codes, fire codes and zoning requirements and with the following Codes and Standards adopted by reference and on file with the Office of the Secretary of State:
 1. A.A.C. R9-1-412(A) Uniform Building Code;
 2. A.A.C. R9-1-412(B) Life Safety Code;
 3. A.A.C. R9-1-412(C) Uniform Mechanical Code;
 4. A.A.C. R9-1-412(D) Uniform Plumbing Code;
 5. A.A.C. R9-1-412(E) National Electric Code;
 6. A.A.C. R9-1-412(G) National Fire Code;
 7. A.A.C. R9-1-412(H) American National Standard specifications for making buildings and facilities accessible to and usable for physically handicapped people; and
 8. A.A.C. R4-34-1101, Arizona State Fire Code.
- D. Where conflicts occur among standards referenced herein, the following shall apply:
 1. Standards specified in the narrative portion of the rules shall govern over the standards adopted by reference.
 2. If a conflict occurs among the codes and standards, or between applicable state or local building/fire codes, the more restrictive standard shall govern.

R9-5-613. Physical plant standards for existing centers

- A. Existing centers shall have an accurate set of drawings on file with the Department, which reflect current utilization of rooms and spaces within the center.
- B. The provisions for new construction contained in the codes and standards referenced in R9-5-612(C) shall not apply to centers which were licensed when these rules were adopted. However, existing use or occupancy which was legal at the time of the adoption of this rule shall be discontinued if upon a determination by the Director such use is deemed dangerous to the life or safety of children.
- C. Additions to licensed center buildings, conversions of unlicensed buildings or portions thereof for use as centers, and portions of licensed center buildings undergoing alteration other than repair, shall meet the requirements for new center construction in R9-5-612.

- D. Buildings which are located on the premises of a public school and used by students when the school is in session shall be exempt from this Section when applying for a license to provide school age child care.

R9-5-614. General physical plant standards

- A. Center location.
 1. Centers shall not be located in mobile homes.
 2. When a center is located in a multiple-use building, areas to which children have access shall be used only for child care purposes during the center's hours of operation.
 3. When a center is located in a multiple-use building, the entire building must conform to all construction requirements for new centers unless the center has the required fire separation as referenced in A.A.C. R9-1-412(A).
- B. Exits.
 1. Rooms exceeding 1,000 square feet shall have at least two exits.
 2. Infant rooms licensed for more than five infants shall have at least two exits.
 3. Combining of two licensed child-occupied rooms for simplification of exiting shall be permitted provided that the opening between the rooms is a minimum of six feet in unobstructed width.
- C. Exit doors.
 1. Exit doors shall be at least 36 inches in width and 6 feet 8 inches in height.
 2. Centers licensed prior to the adoption of this rule, for a capacity of less than 16 children, may have exit doors of 30 inches minimum width. This exception does not apply where special care children or infants are on the premises.
 3. Where a pair of doors which open together are substituted for the door required in Paragraph 1. above, each leaf shall be a minimum of 2 feet 6 inches in width and at least 6 feet 8 inches in height. Center door mullions are prohibited.
 4. Exit doors shall be swing type doors which swing toward the path of egress. An exception to this requirement shall be for indoor activity rooms which have a licensed capacity of ten or fewer children.
- D. Exit corridors.
 1. Exit corridors shall be at least 44 inches wide if the building's maximum licensed capacity is less than 26 children, and 72 inches wide if the maximum licensed capacity is 26 children or more.
 2. Required exit doors shall not have dead-end pockets exceeding 20 feet in length.
 3. Exit doors that swing into an exit access corridor shall be recessed to prevent interference with corridor traffic, or shall open 180 degrees to rest against the corridor wall.
 4. Doors in any position shall not reduce the required corridor width by more than one-half of the clear corridor width.
 5. Transoms, louvers, and transfer grills shall be prohibited in required exit corridor walls and doors.
- E. Exit stairways.
 1. Exit stairways shall be 36 inches in clear width if the maximum licensed capacity of the building is less than 50 children and 44 inches in clear width if the maximum licensed capacity is 50 children or more.
 2. Stairway handrails or trim shall not reduce the required exit width by more than 3 1/2 inches.
- F. Heating and cooling.
 1. Rooms used by children shall be maintained at temperatures between 68°F and 82°F.
 2. Ventilation shall not subject children to drafts.

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3. Heating and cooling equipment shall be protected to prevent children from coming into contact with it. Unvented or open flame space heaters or portable heaters are prohibited and fans must be mounted out of reach of children.
 4. Gas fired heating devices shall be inspected and serviced as needed but at least annually by a properly qualified person.
 5. Unused gas outlets shall have the valves removed and shall be capped at the wall or floor with a standard pipe cap.
- G. Lighting and electrical.**
1. Center buildings shall be well lighted and free of glare. A minimum of 30 foot candles of illumination shall be maintained in all areas used by children.
 2. Electrical outlets shall be covered for safety or located out of reach of children.
 3. Electrical cords shall not be used in place of permanent wiring.
 4. Electrical wires extending over outdoor play areas shall be securely supported, fully insulated and located at least 12 feet above the play area.
- H. Plumbing.**
1. Toilets and handwashing sinks shall each be provided in the following minimum ratio:
 - a. At least one flush toilet and one handwashing sink for ten or fewer children.
 - b. At least two flush toilets and two handwashing sinks for 11 to 25 children.
 - c. At least one flush toilet and one handwashing sink for each additional 20 children.
 - d. Infants and children who use diapers shall not be included in this calculation.
 2. Toilets and handwashing sinks shall be easily accessible, child sized or equipped so that children can use them without assistance.
 3. Toilets and handwashing sinks shall work properly and allow for thorough cleaning.
 4. A toilet room shall not open directly to the kitchen.
 5. Toilets shall be ventilated to the outside of the building either by open screened windows or with an exhaust fan and duct system which shall be in operation during all hours in which children are present in the center.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

**CHAPTER 5. DEPARTMENT OF REVENUE -
TRANSACTION PRIVILEGE AND USE TAX SECTION**

PREAMBLE

1. **Sections Affected**

Article 21	Amend
R15-5-2104	Amend
R15-5-2105	Amend
R15-5-2106	Amend
R15-5-2107	Amend
R15-5-2108	Repeal
R15-5-2110	Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute:	A.R.S. §§ 42-105, 42-1303
Implementing statute:	A.R.S. §§ 42-1310.03
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Holly Unck, Tax Analyst
Address:	Tax Research & Analysis Section Department of Revenue 1600 West Monroe Phoenix, AZ 85007
Telephone Number:	(602) 542-4672
Fax Number:	(602) 542-4680
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The rules provide guidance in the application of the transaction privilege tax to persons engaged in business under the utilities classification. As a result of the Department's 5-year review of Article 21, the Department is proposing to repeal and amend antiquated and repetitive rules.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

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6. The preliminary summary of the economic, small business, and consumer impact:

Identification of the rulemaking

As a result of the Department's 5-year review of Article 21, the Department is proposing to repeal and amend antiquated and repetitive rules.

Summary of information in the Economic, Small Business, and Consumer Impact Statement:

It is expected that the benefits of the rules will be greater than the costs. The repeal and amendment of these rules will benefit the public by eliminating an obsolete rule that no longer serves its intended purpose and presenting the information in a clear and concise manner. The Department will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the repeal and amendment of these rules.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Holly Unck, Tax Analyst
Address: Tax Research & Analysis Section
Department of Revenue
1600 West Monroe
Phoenix, AZ 85007
Telephone Number: (602) 542-4672
Fax Number: (602) 542-4680

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department has not scheduled any oral proceedings. Written comments on the proposed rules or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023 (C), the Department will schedule oral proceedings if 5 or more people file written requests for oral proceedings within 30 days after the publication of this notice.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

Not applicable.

11. The full text of the rules follows:

TITLE 15. REVENUE

**CHAPTER 5. DEPARTMENT OF REVENUE -
TRANSACTION PRIVILEGE AND USE TAX SECTION**

ARTICLE 21. Sales Tax—UTILITIES CLASSIFICATION

Section

R15-5-2104. Interstate and foreign sales Foreign Sales
R15-5-2105. Local Sales Delivered Utilities
R15-5-2106. Compressed and bottled liquids Bottled Liquids
R15-5-2107. Sale Sales to irrigation project Irrigation Projects
R15-5-2108. Sales by Bureau of Reclamation
R15-5-2210. Security deposits Deposits

ARTICLE 21. Sales Tax—UTILITIES CLASSIFICATION

R15-5-2104. Interstate and foreign sales Foreign Sales

A person engaged in business under the utilities classification may deduct from the tax base Sales gross receipts from sales of electricity, gas, or water, solid in interstate or foreign commerce if the gross receipts from the sale are prohibited from being taxed under the United States Constitution or the Arizona Constitution. delivered by the producer or distributor through transmission lines or pipelines to a point in another state or country, from a point in this state and used outside this state, are not subject to the Sales Tax.

R15-5-2105. Local Sales Delivered Utilities

A person engaged in business under the utilities classification is subject to tax on the gross receipts from sales Sales of electricity, gas, or water, produced outside this state and that is delivered by the producer through transmission lines or pipelines to a point in this state, when used for use in this state, are subject to tax.

R15-5-2106. Compressed and bottled liquids Bottled Liquids

Bottled gases used in manufacturing, heating, cooking, or for any other purpose The gross receipts from sales of bottled gases and bottled water are subject to tax under the retail classification unless otherwise exempt. and bottle water when sold to a consumer, except bottled water sold for home consumption by humans, are taxable under the retail classification (see Articles 18 and 18.1).

R15-5-2107. Sale Sales to irrigation project Irrigation Projects

Any person who produces and furnishes A person engaged in business under the utilities classification is subject to tax on the gross receipts from producing and furnishing or furnishing electricity or gas to an irrigation project for the purpose of producing water for irrigation of farm lands or of lands subdivided for residential purposes which are entitled to irrigation water, is subject to the tax imposed under this classification.

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R15-5-2108. Sales by Bureau of Reclamation

Sales of electricity made to consumers by the United States Bureau of Reclamation are not taxable.

R15-5-2210. Security deposits

Deposits
Gross receipts received from customer deposits that are held as security for payment of utility billings are not subject to tax until recognized as earned income. A deposit that is not applied to a customer's bill or refunded to a customer when utility services are discontinued shall be presumed to be abandoned property if the customer does not claim it within the period established under A.R.S. Title 44, Chapter 3. Customer deposits that are presumed to be abandoned property under A.R.S. Title 44, Chapter 3 shall be reported and delivered to the Department as unclaimed property. Amounts delivered to the Department as unclaimed property are not included in the tax base. For example:

1. A utility company requires a new customer to deposit \$150 before it provides utility service. The customer moves and notifies the utility company to discontinue service. The customer's final bill is \$130. The utility applies the deposit to the final bill and refunds \$20 to the cus-

tomers. The amount applied to the utility bill is recognized as income and subject to tax. The amount refunded to the customer is not recognized by the utility as income and is not subject to tax.

2. A utility company requires a new customer to deposit \$150 before it provides utility service. The customer notifies the utility company to discontinue service. The customer's final bill is \$130. The utility applies the deposit to the final bill. The customer does not provide a forwarding address to the utility. Therefore, the utility company is not able to refund the remaining \$20 to the customer. The amount applied to the utility bill is recognized as income and subject to tax. The remaining \$20 is presumed to be abandoned property if not claimed under A.R.S. Title 44, Chapter 3. The amount presumed to be abandoned property shall be reported and delivered to the Department as unclaimed property under A.R.S. Title 44, Chapter 3. The amount delivered to the Department as unclaimed property is not recognized as income by the utility and is not subject to tax.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. **Sections Affected**
R19-2-116
- Rulemaking Action**
Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 5-104(A)(2)
Implementing statute: A.R.S. § 5-113(F)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Paul Ryneveld
Address: Department of Racing
3877 N. 7th Street
Phoenix, AZ 85014
Telephone Number: (602) 277-1704
Fax Number: (602) 277-1165
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
The changes will clarify the disbursement of Breeders Awards on guaranteed purses and will set a purse value limit for payment on guaranteed purses.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
None
6. **The preliminary summary of the economic, small business, and consumer impact:**
None
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Paul Ryneveld
Address: Department of Racing
3877 N. 7th Street, Suite 201
Phoenix, AZ 85014

Arizona Administrative Register
Notices of Proposed Rulemaking

Telephone Number: (602) 277-1704

Fax Number: (602) 277-1165

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings are scheduled. Contact Paul Ryneveld in writing to request one. At least 5 requests need to be submitted within the 30 days following publication of the proposed rulemaking in order to schedule an oral proceeding.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 1. HORSE RACING

Section

R19-2-116. Arizona Bred Eligibility and Breeders' Award Payments

ARTICLE 1. HORSE RACING

R19-2-116. Arizona Bred Eligibility and Breeders' Award Payments

A. No change.

1. No change.
2. No change.

B. No change.

C. Breeders' awards are not to be paid on nominating, sustaining, or starting fees except in races that offer a guaranteed purse value of \$50,000 or less. In such races, breeders' awards shall be paid based on the total amount earned by the winner, including nominating, sustaining, or starting fees.

D. No change.

1. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
2. No change.
3. No change.
 - a. No change.
 - b. No change.

c. No change.

d. No change.

4. No change.

a. No change.

b. No change.

5. No change.

6. No change.

a. No change.

b. No change.

c. No change.

d. No change.

7. No change.

a. No change.

b. No change.

8. No change.

9. No change.

10. No change.

a. No change.

b. No change.

c. No change.

d. No change.

e. No change.

E. No change.

F. No change.

G. No change.